

**City of Port Colborne
Public Meeting Addendum**

Date: Tuesday, March 7, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

Pages

4. Statutory Public Meetings

**4.1 Proposed Official Plan and Zoning By-law Amendment – Port Colborne
 Quarries Pit 3 Expansion – Files: D09-02-21 & D14-09-21, 2023-42**

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Objection to Rezoning the land for PCQ Pit #3 Extension. 10 minute read

In 1936 Dale Carnegie published the Book “**How to Win Friends & Influence People**”. In the next few minutes my intension is to influence your decision by having applied one of his principles. The principle is” **Try honestly to see things from the other person’s point of view**”. In trying to put myself in your position, I recognize that you have been democratically elected and given the power to make this decision. I have often said we can make good decisions if we have good information. What I want to share is information that I have aquired and my perspective, and interpretation, of that information.

First and foremost, I want to talk of the financial opportunity. For the past 150 years there has been farming done on the proposed Pit #3 Extension. If rezoned, the tax base will increase for the 45 year life of the quarry. Based on the Acadis/IBI Group estimate, the City will **gain \$9120** from the quarry and **lose \$4830** from devaluation of properties within 1 km of the new boundaries. That is a **net gain of \$4290/yr**. As Acadis/IBI Group pointed out, this equates to **\$1.03 million** over the 45 year life of the extension. I prefer to go the other direction and if PCQ operates 5 days a week for 50 weeks a year it equates to increased revenue of **\$17.16/day**. But what happens after the life of the Quarry, say, 100 years from now. If you don’t rezone, there will still be a tax base. Farmland and Residential taxes are set by the Municipality. Industrial tax is set by the Municipal Property Assessment Corporation (MPAC). I’m told the business tells MPAC what they do. Then MPAC assigns a class and assesses a property value. They then tell the Municipality what they can charge. In this process, you give away your power. What if in 50 years, when all the aggregate is gone and the propety is becoming a passive lake, the owner decides its a liability and abandons it. MPAC can classify it as “exempt”. If that happens the tax revenue goes to zero.

Also, when the aggregate stops flowing, so does the fee from The Ontario Aggregate Resource Corporation (TOARC). The fee is intended to offset higher road maintenance costs due to incresed truck traffic within the City.

So don’t surrender your power!

My 2nd point is that you can predict how people will act in the future based on what they have done in the past. Its used, all the time, when interviewing for jobs. I believe it also applies to the management of a company.

In 1982, the Council, of the day, negotiated that Pit #1 would be rehabilitated, similar to Pit #2, which, by permit, would become a passive recreational lake.

I must say, on the one hand, I was heartened when PCQ withdrew there request for a Site Ateration Permit and said they were not pursuing the plan to back fill Pit 1 with excess construction material. On the other hand, I was disheartened when a different PCQ manager immediately said, not at this time.

When Rankin Construction bought PCQ in 2007 It came with the 4444 permit. The permit states that Pit 2 and Pit 3 were to have the walls of the quarry progressively rehabilitated as material was mined. This was not done by previous owners and, until recently, has not been done by PCQ.

Ontario Stone, Sand and Gravel Association (OSSGA), in their brochures, make reference to the practice of progressive rehabilitation. It is likely a requirement of every permit that is issued by the Ministry of Natural Resources and Forestry (MNRF). Yet, PCQ has not followed a practice that is required by permit and highlighted by an Association of which they are a member.

I am concerned PCQ will act in their financial best interest and not the interest of humanity.

I want to see the water in the Onondaga Aquifer continue to flow as it has for eons of time. The permit that PCQ is seeking is a risk to that flow. It is not just my opinion but that of hydrogeologists from EcoMetrix. In their report, they wrote the following, **“The Onondaga aquifer, which is the main aquifer in the area, is in the similar limestone unit from which PCQ produce crushed aggregate. The aquifer is a karstic limestone unit which is the source of drinking water supply for the majority of local residents in the area. The karst represents holes, cavities and channels that formed in the rock over geologic time as a result of groundwater flowing through and dissolving the rock. The high permeability associated with karstic limestone enables fast flow of water into and through the subsurface, and rapid flow can occur over long distances that can be through uncertain pathways. In general, karstic aquifers are susceptible to groundwater contamination. In such aquifers, contamination can spread rapidly and can endanger downgradient water supply wells”**.

That is the opinion of an expert. I recently attended a Committee of Review to do with the Drainage act. The representative from PCQ made it clear that they hire experts to represent them. This is a good thing.

However, there are some things for which you don't need an expert. One of them is the need for clean water. If you need proof, try living without it for a week. You will become so dehydrated you may experience headache, dizziness, and fatigue. Afterall, the human body is about 60% water, our brain is about 73% water, and blood is about 80% water.

For quite a while I thought the solution was to stipulate that the licence for the extension be a **Class A** which would mean the quarrying is above the water table. I was in favour of such a license. However, I changed my opinion when I found out that the Municipality is responsible for rezoning an area and then its the MNRF who issues a permit for the volume based on that zoning. In this process, the City relinquishes control at the Municipal level and gives it to the MNRF at the Provincial Level. Furthermore, if a **Class A** permit is issued and later an application for **Class B** permit is requested, the municipallity is powerless to make stipulations.

So don't surrender your power!

Finally, I am borrowing a thought, and strategy, that I heard while attending a zoom meeting put on by RGMC. They are a Coalitin of interested parties that believe Gravel Mining needs to be Refomed. They are pushing for a temporary stop to issuing permits to pits and quarries. Their main point is there are permits issued for 11 times more supply than there is demand for the product.

The strategy is that you can support a project but vote no as a protest against the Provincial Government's way of doing business. One issue is the recently passed **Build More Homes Faster Act**, which is using land in the Green Belt and the broken promise to protect it. Connecting the dots: Quarries produce aggregate, aggregate is used in concrete, concrete is used in home construction. A protest vote is a positive action to bring balance to the supply and demand equation.

So don't surrender your power!

I have outlined 3 reason to maintain the zoning as it is currently. You don't need 3 reasons. You need only 1.

Is it the disappearance of a tax base for future generations?
Is it humanities need for clean water and to not risk contamination of the source?
Is it protesting the attitude and action of our Provincial Government politics?

Maintain your Power, Preserve the Zoning.

From: [Sharon Ladd](#)
To: [Deputy Clerk](#)
Subject: File Numbers:D09-02-21 & D14-09-21
Date: March 1, 2023 1:02:24 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

I would like to Pre register 2 people to speak in Person at the Public Meeting Tuesday March 7th ,2023 .I Sharon Ladd of 1266 Weaver Rd, Port Colborne, ON L3K 5V3, Canada. Also my Husband Kevin Ladd owner of 1284 Weaver Rd . Port Colborne , ON. Together we own the 3 parcels the 30 acre Horse Farm Windstrong Morgans and Pawsitively Pampered at Port Colborne Portuguese Water Dog Kennels . We own directly across the road aprx 800 feet of frontage and this Proposed Official Plan and Zoning By-law Amendment and (Below Water Quarry) will Negatively Impact our Lives we use our Water Well for our Drinking Source have been for 40 Years for Us Humans, Livestock and our PWD Kennel & Dog Grooming Business on our Agricultural Land We OBJECT . Do I need to submit what i will be saying or do i bring it with me and hand it to you? Thankyou Sharon Ladd



March 6, 2023

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne

66 Charlotte Street
Port Colborne, ON L3K 3C8
Phone 905-835-2900 x202
Email David.Schulz@portcolborne.ca

Mayor Steele, Council member and City Staff

SUBJECT: Notice of Statutory Public Meeting for the proposed expansion of the Port Colborne Quarries Pit 3.

My comments are specific to the expansion of Pit 3 into the lands known as “The New Humberstone Speedway” and that I remain committed to my previous comments and submissions regarding the Speedway lands dated April 06, 2021.

To date, I believe that we (the public) have not seen a robust ***Process Control Plan*** from Port Colborne Quarries Inc. A Control Plan that concisely and clearly documents the step by step process / processes that will be used to address the years of contamination at this property. This document must include ***Risk Assessment Documentation***. The Risk Assessment will clearly identify all process related risks associated with the remediation / cleanup of all above and below ground contaminants (*gasoline, engine oil, automatic transmission fluids, gear oil, ethylene glycol (antifreeze), including materials that were imported and deposited on the site*) including contingency plans related to those risks.

To date, Port Colborne Quarries has not provided a realistic date (timeline) as to when they would be starting the remediation process of the lands known as The New Humberstone Speedway. The concern here is that inspection and testing results have been completed and we believe that by the time the encroachment / expansion of Pit 3 even comes close to the speedway lands, a very significant amount of time will have taken place. Thus making those results outdated. Overtime it is reasonable to expect that those contaminants identified and

some possibly not identified during the studies could or will have already migrated to other areas of the speedway property and adjacent lands. Therefore as the Pit 3 expansion process proceeds, undetected pockets of contaminants could be disrupted exposing them to the atmosphere. This disruption will also put above and below ground water at risk. Additional testing would, in my opinion, would be required. It is for these reasons, I would respectfully request that Council require as a condition of approval, that a process control plan and realistic timeline specific to the Speedway Lands be provided.

I would like to point out that on April 06, 2021, I had objected to the initial PCQ proposal which was to build berms from the material at the speedway site. Eventually, when mining of the site was completed, they would use the material from the berms for sloping the sides of the Pit 3 to create a passive lake which would be into the exposed aquifer as the drawdown of the groundwater table will already extend to the contaminated part of the site. Reinforcing the fact that the Humberstone Speedway Lands be completely remediated well before quarrying encroach upon those lands.

It is important to note that shortly after my objections were heard, Port Colborne Quarries Inc. retained WSP Engineering Consultants to conduct the Phase 1, Phase 2 Environmental Site Assessments.

Posted on the WSP website there is an article entitled “How to Manage Soil from Brownfields Under Ontario Regulation 406/19”. It describes in detail the services and processes that WSP uses.

To quote from the article: “Our experts understand Ontario’s Regulation 406/19, how it can affect the feasibility of your project, as well as the opportunities”.

To further quote from the document under the item: **Learn the History of Your Excess Soil** – referencing sub item **CHECKPOINT** – Do you need to study groundwater flows to see where those impacts might be migrating to / from?”

Question: Why are the recommendations in this article **NOT** recommended for the New Humberstone Speedway lands?

The article was written August 28, 2020 – Authored by Carl Schroeder and Brian Whiffen – WSP.

Finally, regarding the realignment of The Port Colborne Drain (Wignell and Michener). Since the realignment of the drain / drains is required to accommodate Port Colborne Quarries Inc. Pit 3 expansion plans, I feel that it would only be fair that the Quarry bear all costs associated with the realignment and be responsible for continued maintenance . This should not be the responsibility or a shared cost to the adjacent property owners, The City of Port Colborne or to the Regional Municipality of Niagara.

Sincerely,

Gary B. Gaverluk

Vice President: The NWPA

Email: [REDACTED]

Cell: [REDACTED]

REGARDING:

April 6, 2021

PLANNING JUSTIFICATION REPORT

PORT COLBORNE QUARRIES INC.

PIT 3 EXTENSION – Prepared by Port Colborne Quarries Inc.

I would like to speak to the specific location stated in the justification report as:

“THE NEW HUMBERSTONE SPEEDWAY” – Section 6.1.7

3.2.2

*Sites with contaminants in land or water shall be **assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that (there) will be no adverse effects.***

Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

My objections and concerns are to the above in that it does not address the actual potential of contamination at or on these specific lands, nor does it address the potential of future migration of the contamination at or on these specific lands to adjacent vulnerable water sources.

CALCIUM CHLORIDE EXPOSURE:

Humberstone speedway first opened in 1958. During the years prior to environmental and climate awareness the track was ***treated weekly with calcium chloride.***

Calcium chloride and water were used to prepare the track for the weekly racing events. The above was used to control dust emissions coming from the track surface during the speedway racing activities. The reduction of dust emissions during the racing event was considered a safety measure to reduce the risk of racing accidents. In addition, the mixture of water and calcium chloride was used to control dust emissions in the “pit areas” and on the track parking lot ~~in~~ and roads.

Calcium chloride also allowed the track to maintain and control the moisture content of the track surface making it more compactable and aggressively abrasive as desired for dirt racing traction.

PETROLIUM CONTAMINATION AND ONSITE LOCATIONS OF CONTAMINATION CONCERN:

Humberstone Speedway will be starting its 63rd season this year. 63 years of exposure to engine failures (engine oil and additives), transmission failures (manual, automatic fluids and additives), coolant failures (antifreeze and additives), rear axle failures (gear oil and additives), gasoline and diesel fuel spills. On the track, on the infield, in the pit areas and outside of the track in the parking lot. During specific racing events parts of the parking lot were used as an overflow for the pits.

On track and infield exposure was mainly due to racing incidents and mechanical failures, some quite violent at times. Other on track and infield exposure came during demolition derby type events. For those who might not be familiar with the term “Pits”, this is the location where the drivers, team members staged and maintained their cars. Prior to environmental awareness, the handling and containment procedures of the types of fluids used in engines, transmissions, rear axle assemblies and fuel handling was not a concern or priority in most cases. There was also an incident in the pit area where a number of school buses (unknown number) had been parked. The unscrupulous one night removed the radiators for the copper content. The hoses were cut and all engine coolant was lost to the ground in that area.

IMPORTED MATERIALS:

Over the years the track has had to bring in additional material for the track surface. In addition I believe there is a large pile of “road grindings” that is presently overgrown north of the Pit area. Some of those road grindings have been deposited in the parking lot adjacent to the Pit gate.

OBJECTION / ENVIRONMENTAL CONCERNS – BROWNFIELD CONSIDERATION:

3.2.2

*Sites with contaminants in land or water shall be **assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.***

Response: A portion of the Pit 3 extension encompass the New Humberstone Speedway and the lands may potentially contain petroleum related (containments?) contaminants. To avoid the possibility of any such material being removed from the site, these soils will be restricted for the use only in the construction of the perimeter berms along Highway 3.

I have great concern with the above statements in that any potentially contaminated materials being used as **PERIMETER BERMS in order to avoid removing them from the site.** This does not negate the fact that even from berms that absorbed water / contaminants will leach out hydraulically to the lowest receiver. That area being, according to the application the eventual rehabilitated Pit 3 Lake and into any adjacent municipal drainage systems.

SUMMARY:

As per all of the above I respectfully submit that the lands referenced in this application as the “New Humberstone Speedway be **treated as “BROWNFIELD”** with the first step being a transparent Record of Site Condition (RCS)-P, prior to application approval.

Sincerely,

Gary B. Gaverluk
21 Woodside Drive
Port Colborne, On., L3K 5G9
[REDACTED]

Dear Deputy Clerk,

March 2, 2023-03-02

The Official Plan and Zoning By-Law Amendment (Files D09-02-21 & D14-09-21) which proposes to change the designation of subjects lands, and to reduce the minimum setback from a Provincial Highway, threatens to negatively impact our property directly, and the organisms and their habitats, in the subject lands.

I have enclosed letters, previously submitted to your office, which summarize some of my concerns. While I have received a response to my first letter, several issues were not addressed, and others were unsatisfactorily resolved, and therefore, remain areas of objection.

Given that it has been almost two years since the first letter was submitted, and that several objections remain unresolved, I ask that these letters be included, for consideration in regards to the decisions being made about the Zoning By-Law; and the Provincial Highway setbacks.

Thank-you for your consideration,

Sincerely,

Josef van Ruyven

787 Hwy 3 East,

Port Colborne, ON. L3K 5V3



Port Colborne Quarries Inc.
222 Martindale Rd.
P.O. Box 1116
St. Catharines, ON., K9J 3C7

Ministry of Natural Resources and Forestry (MNRF)
Integrated Aggregate Operations Section
4th Floor
300 Water St.
Peterborough, ON., K9J 3C7

Josef van Ruyven
787 Hwy 3 East
Port Colborne, ON., L3K 5V3



PCQ Expansion Objections

April 6, 2021

Regarding the proposed expansion of the Port Colborne Quarries Inc. (PCQ) Pit 3 of Licence #4444, operated in Port Colborne, Ontario, I wish to put forth several objections out of concern for; 1) the migration and spawning of northern pike in the Municipal (Wignell) Drain that originates, in part, and flows across, the property of the proposed quarry expansion. Additionally, I have concerns about, 2) the quality of the water, pumped from their quarries which flows across our property; 3) the effects on the quality and quantity of water produced by my household well; and 4) the reduction of the setbacks from 90m to 30m along Highway 3 East.

1) I have lived with my family, on a 4.05 ha farm at 787 Hwy 3 East, Port Colborne since 1998, which was before PCQ began to prepare the property on the East side of Babion Rd. for quarrying. I took photographs of the intermittently marshy field there, which was still a spawning bed for northern pike. The adult fish migrated up the Wignell Drain from Lake Erie, across our property and ended up in that field to spawn, before returning to Lake Erie also by the Wignell Drain.

I was interested in the behaviour of the pike which I, and my neighbours, had seen each Spring migrating upstream, across our properties in the same Wignell Drain. I was disappointed back then, that, it at least appeared, that no measures were taken by PCQ, or the MNRF to protect these pike and their spawning area before quarrying began. Now, as I study the present proposed expansion of PCQ Pit 3, I need some assurances that mitigating measures will be taken to protect both, the fish, which are

still, but more rarely, seen in the Wignell Drain, and their habitat, from adverse effects in accordance with a Category 2 quarry.

2) Several years ago, we supported our youngest son's interest in growing organically-grown vegetables, and salad greens on our property, and selling them at the Port Colborne Farmers Market. He had set up an irrigation system which drew water from the Wignell Drain, but by mid-summer, customers began to complain about the chaulky deposit on his fresh produce. We determined that the chaulky sediment originated in the irrigation water taken from the Wignell Drain. We determined that PCQ, uses the Wignell Drain to dispose of their waste water, the products of the aggregate finishing process. I could not help but think about the effects of these sediments, on other organisms as they settle out onto the Wignell Drain floor, or on the floor of Lake Erie into which the Wignell Drain flows.

3) Thirdly, our house water treatment system includes a 5 micron sediment filter which I have often found to be clogged with a black deposit. Then, last summer, on two occasions, I was using the untreated water from our well with the garden hose, when a blast at the quarry could be heard. Within moments of the blast, the flowing water turned black for 2-3 seconds before clearing again. Some blasts seem stronger than others, and their effects are seen everywhere on our property from the barn, garage and basement floors, to the brickwork on our century-old home.

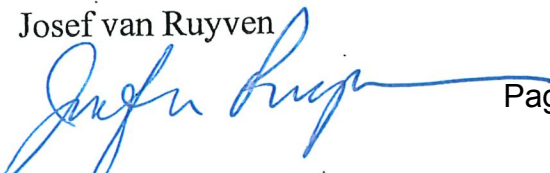
4) The proposal to reduce the setbacks along Highway 3 from 90m to 30m can only increase the damage sustained by our home and outbuildings. Having worked for several years in an iron-ore mining town, where blasting occurred several times per day, and having worked as a Seismologist for Energy, Mines and Resources, for 2 years, I am familiar with the blasting process, and its transmission through the atmosphere, and the bedrock. While it may be difficult to prove the correlation between the damage to our buildings, and the blasting, denying that there is a connection, I feel is naive.

The sequence of PCQ's Pits 1, 2, and 3 extend from approximately 1 km west of our home, to approximately 1 km east of our home. Collectively, these three pits have the effect of drawing down water, northward toward the deeper "wells" which are these quarries, from the aquifer, away from our well. The proposed expansion of Pit 3, could potentially result in threatening the water supply upon which we rely. This is perhaps my most significant concern.

I look forward to your feedback regarding any of the above outlined concerns.


Sincerely,

Josef van Ruyven



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787 Hwy 3 East
Port Colborne ON., L3K 5V3


Follow up to your response to my PCQ Expansion Objections letter dated April 12, 2022

April 20, 2022

Dear Mr. Sisco,

Thank-you for your response to my Objections to the PCQ Expansion of Pit 3 proposal.

I feel that it is necessary to seek further clarification to your responses, as at present, I am not satisfied that "mitigating measures will be taken to protect both, the fish, which are still, but more rarely, seen in the Wignell Drain, and their habitat, from adverse effects in accordance with a Category 2 quarry". You state that, 'Pike spawning habitat was not identified in the East Wignell Drain on or adjacent to the site during the fish habitat surveys...'. Who conducted those studies? , and what time of year were they conducted? The pike that I saw in the drain on our property were moving in late February and early March. So far as your *Phragmites australis* deflection, that pike 'may' be prevented from accessing the northern reach of the drain, I know that if they were 'prevented', then their carcasses would be littering the edges of the drain for a kilometer downstream from the obstruction. When I was a teenager, I was working for a sod company north of Oakville in the period of rapid expansion and construction there. One lunch break I decided to investigate the sound I heard coming from the culvert nearby. We discovered thousands of salmon trying to follow the drains to their spawning grounds, which were so numerous that they absolutely choked the drain. They would not be 'prevented', and neither will these pike, by some vegetation! PCQ needs to implement their rehabilitation plan before they begin to excavate in the proposed expansion of Pit 3.

Your last statement in your first response, 'It is therefore not anticipated...any downstream pike spawning habitat, if present.' The concern here is not the downstream effects, but the upstream effects

where the failure to implement the rehabilitation plan in a timely fashion, will deny those spawning pike access to the upstream spawning beds.

You state in your response, 'that the Planning Justification Report...included documents that confirmed no ecological impacts will occur because of extraction of the Pit 3 Extension.' You then state, 'The ponds located on the Humberstone Speedway property have been confirmed as habitat for snapping turtle.' These two statements are contradictory. You suggest that the rehabilitation plan will address this issue by creating new habitat for the turtle, however, given the evidence of past performance, PCQ has not yet even rehabilitated Pit 2 which has been exhausted for over 20 years. My question is, how long are these turtles reasonably expected to wait for their new habitat? You further suggest that, 'Following rehabilitation, it is not anticipated that the proposed quarry expansion will negatively impact snapping turtle movements'. This statement may be true, if you did not qualify it with the statement later in the same paragraph which states, 'Subject to the implementation of the rehabilitation plan, it is not anticipated...'. You may as well say, *'In a perfect world, where the applicant was actually interested in the ecological impacts on organisms and their habitats, and actively put their rehabilitation plan into practice before either or both, the organism, and the habitat are destroyed, it would not be anticipated that the proposed quarry expansion will have a net negative on snapping turtle, its aquatic habitat or movement corridors.'* My objection is that your client has already acted with impunity in their actions in the existing Pit 3 operations. The swampy field on the east side of Babion Road which was once turtle and pike habitat, is gone! That is a fact! When Pit 3 opened in around 2000, no measures were taken then to protect either organism or their shared habitat. Now you hide behind a rehabilitation plan which, if based on evidence of past PCQ Inc. practice, will never be implemented, or if it is, will be implemented too late. That is not acceptable.

The proposed wetland vegetation monitoring program plan to monitor unanticipated negative impacts of the proposed extraction of Phases 1B, 2 and 3, is a good idea, but who will see to it that the plan is enacted? Enforced? Again, based on evidence of past PCQ Inc. practice, I am not confident that this will be done.

The remaining issues that I addressed in my original letter were apparently overlooked or disregarded, and no comment was made to explain why. In brief the concerns were, 1. The sediment in the effluent from the quarries flowing across our property; 2. The effects in our household ground (well) water from blasting; 3. The effects of blasting on our house foundation, and on our out buildings; and 4. The failure by PCQ to remediate Pits 1 and 2 in accordance with the 1982 rehabilitation plan.

I look forward to your feedback on both, those previously addressed, and those previously overlooked.

Sincerely,

Josef van Ruyven



March 1, 2023

From: Harry Wells
548 Highway #3 East
Port Colborne, ON L3K 5V3
[REDACTED]

To: City of Port Colborne
Planning and Development Services
66 Charlotte Street,
Port Colborne, ON L3K 3C8

Re: Aquifer Protection Objection to City Official Plan and Zoning Amendments File Numbers: D09-02-21 & D14-09-21, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Deputy Clerk,

Please accept this as part of my input on the proposed amendments to the Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The Provincial Policy Statement, 2020 Pg 26 section 2.2 Water states that the Regional and Municipal Planning authorities shall protect, improve or restore the quality and quantity of water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features which are necessary for the ecological and hydrological integrity of the watershed. Allowing the expansion to be a Class 2 MAO means they will be conducting activities below the water table in the actual aquifer. In order for them to conduct these activities it is proposed that the water table in all the Pits will be reduced and maintained 16 meters below the existing 178 masl to 162 masl. That equates to over 10 million cubic meters of water being pumped out of the aquifer and kept out just for the expansion.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

Water

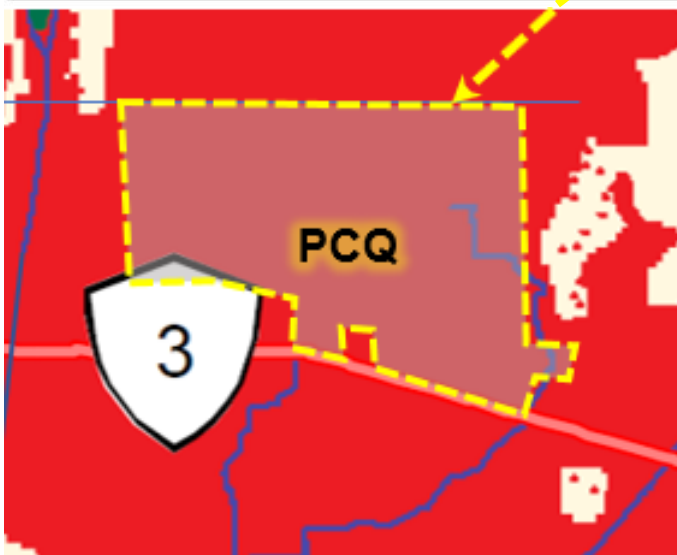
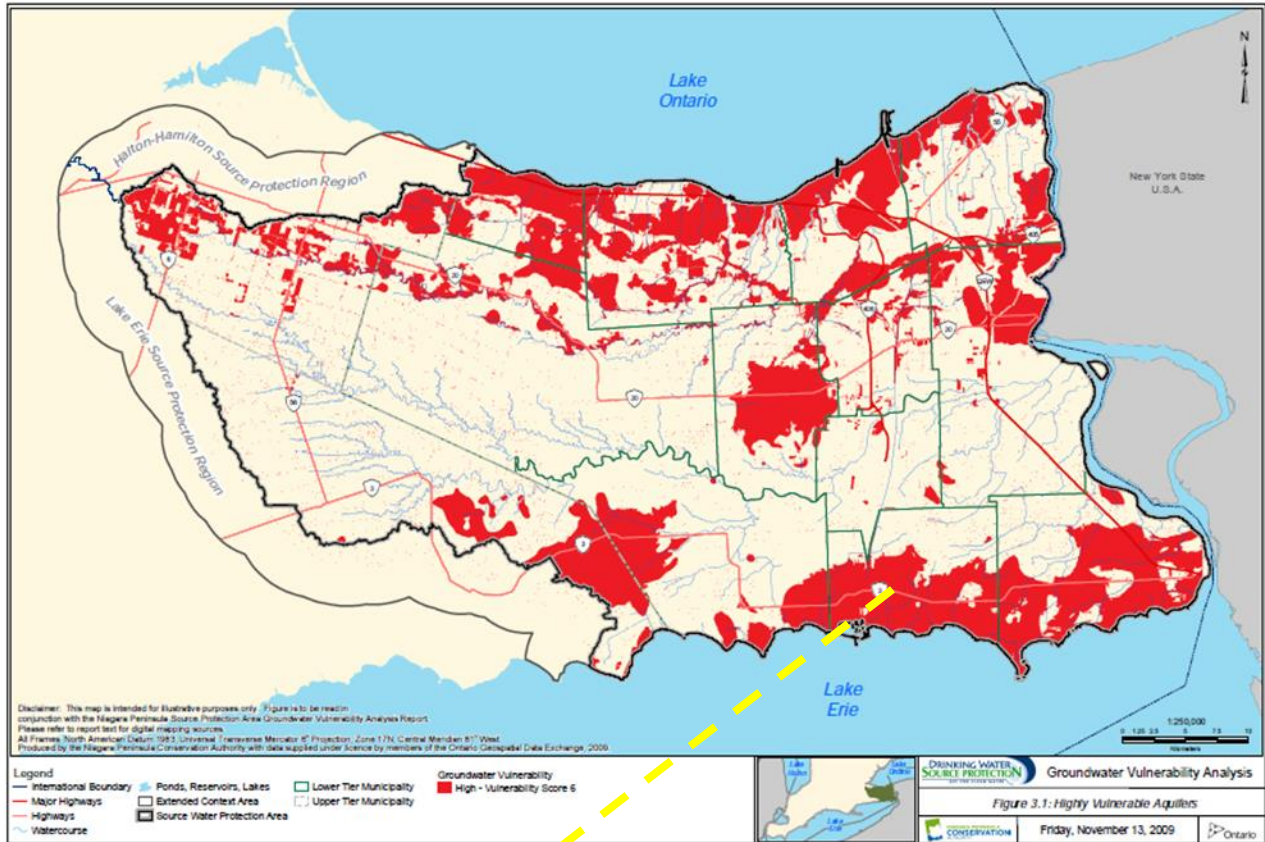
6.1.3 Water (Pg 12)

PPS Policy 2.2 states that:

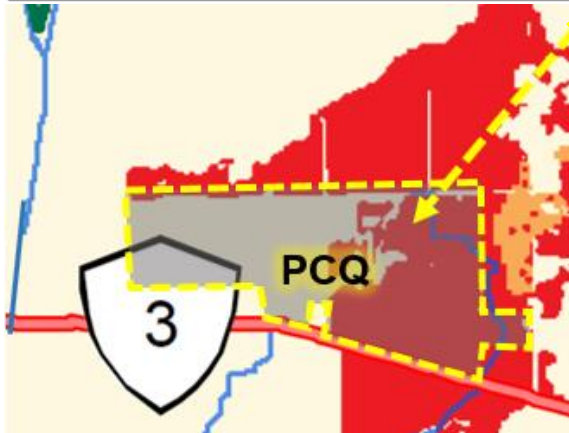
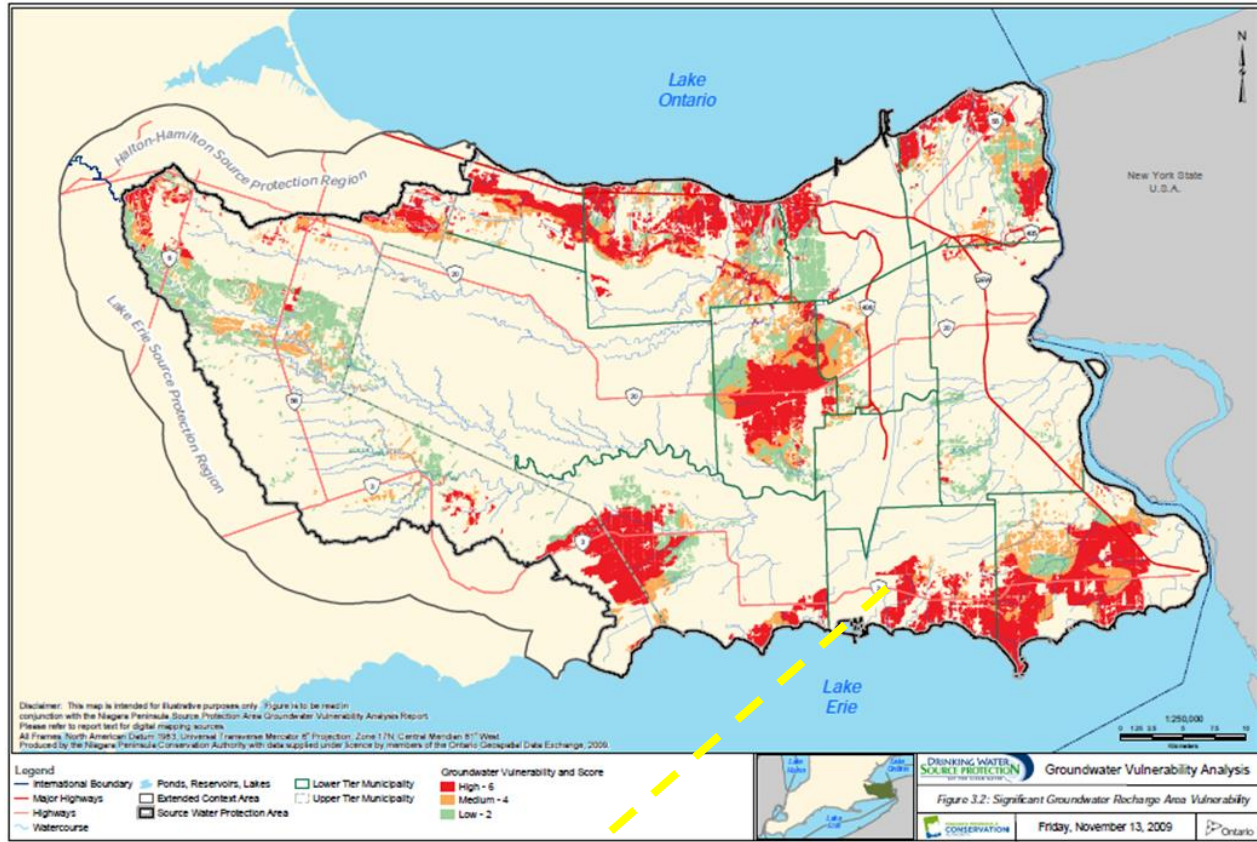
*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be **protected, improved** or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.*

In the Hydrogeology Assessment Appendix J of their Expansion submission, they identify the Highly Vulnerable Aquifer (HVA) that the quarry resides in and many of the rural citizens in both Port Colborne and Fort Erie access as a source of drinking water, but they failed to address the fact that the quarry is also in a Significant Groundwater Recharge Areas (SGRA). This is of significant importance because the combination of a HVA and SGRA will increase the vulnerability of the aquifer to contamination. Below are Figures 3.1 and 3.2 produced by the Niagara Peninsula Source Protection Committee and in their November 30, 2009, Analysis illustrating the areas of the HVAs and SGRAs clearly showing that PCQ is well within both areas. On page 8 of their report, they state “The vulnerability category for historic and licensed aggregate pits and quarries will be raised to high as there is no protection to the aquifer”.

Figure 3.1 Highly Vulnerable Aquifers (HVAs)



3.2 Significant Groundwater Recharge Areas (SGRAs)



PPS Policy 10.1.2 regarding Exceptions states that: The policies of this chapter generally do not apply to the following items:

- a) Approved development applications under the Planning Act as of May 4, 2006;
- b) **Fill activities proposed in accordance with a site licence under the Aggregate Resources Act; or (Emphasis added).**

This change suggest that fill will be imported to the site from other areas. There is no information in the application on how fill will be managed other than it will be used as part of the proposed progressive rehabilitation plan to create a variety of side slopes ranging from 2:1 to 4:1, However PCQ has state in other documents that **the use of imported clean inert fill as per MECP Guidelines is not being proposed.** If PCQ does use fill from the Race track or other offsite sources there is a high potential the fill could be contaminated. With the floor of the pit being 8 meters below the groundwater level any contaminate fill could irreversibly contaminate the aquifer.

Groundwater is being impacted up to a kilometer away from PCQ's operations based on their Hydrology Reports. There is nothing in the submissions of PCQ that provides details on mitigation measures against threats to the vulnerable aquifer ground water as identified by the Niagara Region Planning Committee or the Niagara Peninsula Source Protection Authority in the February 17, 2020 Source Protection Program. PCQ provides nothing that will improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.

PCQ does not propose or suggest any mitigative measures to improve or restore sensitive groundwater features but they will be pumping the groundwater down to make the quarry floor dry and creating a cone of influence out to 1 kilometer from their excavation area (refer to Appendix II) so they will be negatively impacting both the groundwater and surface waters not protecting or improving them.

The only thing they will be doing with regards to the ground water is conducting a ground water monitoring and response program that includes monitoring of the on-site wells if they have any groundwater in them monthly and conducting a water quality analysis program every five years. (Page 87 in the Hydrogeological recommendations and Page 21 in the Golder Hydrogeological Level 1/2 Water Resource Study)

Highly vulnerable aquifers are to be protected under Section 4.2 of the PPS. Section 2.2.2 clearly states that mitigative measures are required to be in place to protect, improve or restore sensitive ground water features, and their hydrologic functions. Section 4.2.1 Contaminant Management requires contaminant management plans to be in place for developments involving Highly Vulnerable Aquifers. No such plan was included in the documents provided by PCQ.

Objection

I object to granting the approval of the amendments to the ROP, COP and Zoning-by Law for the Pit 3 extension as proposed by PCQ on the grounds that it fails to satisfy the PPS with regards to protecting and improving the water of the Highly Vulnerable Aquifer. It is unreasonable to expect a water quality sampling program conducted every five years would be effective in mitigating any adverse affect on the Highly Vulnerable Aquifer. To approve this extension PCQ should be required to put in place a Contaminant Management Plan in combination with a Water Quality Monitoring Program that conforms to the MECP Ontario Drinking Water Standards.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Harry Wells".

Harry Wells

March 1, 2023

From: Harry Wells
548 Highway #3 East
Port Colborne, ON L3K 5V3
[REDACTED]

To: City of Port Colborne
Planning and Development Services
66 Charlotte Street,
Port Colborne, ON L3K 3C8

Re: Economic Prosperity Objection to City Official Plan and Zoning Amendments File Numbers: D09-02-21 & D14-09-21, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Deputy Clerk,

Please accept this as part of my input on the proposed amendments to the Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

It is understood that mineral aggregate is considered a strategic resource and that pits and quarries are a necessary activity and land use, and that they must be located where the resource exists. However, The Provincial Policy Statement (PPS) requires the appropriate development and protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The policies of the Provincial Policy Statement represent minimum standards and the expectation is that planning authorities and decision-makers will go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of the Provincial Policy Statement.

The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

The demand for aggregates and the policies of the PPS do not override the protection of the environment, existing land use constraints, the legal rights of adjacent properties or the health and safety of the public. It is expected that the activity will be carried out in a manner that will not create any adverse impacts to the environment, water, sensitive land uses and public. It is expected that commitments made by applicants to obtain a license will be honoured, and that the commitments will be enforced by the appropriate authority.

Using the same Section and Clause numbering as the Planning Justification Report (PJR), the following comments and objections are raised:

6.1.1 Long-Term Economic Prosperity

PPS Policy 1.7 states that:

Long-term economic prosperity should be supported by:

c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

In consideration of the above the reality is that the proposed Pit 3 Extension does not support the long-term availability of the aggregate resources it actually depletes the aggregate resource and pushes the aggregate source “farther from market”. Based on PCQ’s predictions within 25 years the aggregate resource will be depleted, then once agricultural producing lands will be gone and all that will remain based on the proposed progressive rehabilitation plan is a non-productive private passive lake.

These are the end results of the rehabilitation of Pit 2, Pit 3 and the extension to Pit 3 if approved.

- | | |
|---------------|---|
| Western Lake: | The lands situated between Snider Road and Babion Road be rehabilitated into a passive-use lake that is approximately 50 hectares in size with an eventual final lake depth of 12.0 metres deep. The side slopes of the lake will be 3:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ. |
| Eastern Lake: | The lands situated between Babion Road and Miller Road be rehabilitated into a passive use lake that is approximately 177 hectares in size with an eventual final lake depth of 8.0 metres to 16.0 metres deep. The side slopes of the lake will range from 2:1 to 4:1 and vegetated with grass cover and trees/shrubs. Final ownership of the lake will remain with PCQ. |

Policy 1.7 requires this extension to support Long-term economic prosperity by promoting opportunities for economic development and community investment-readiness. Long term to PCQ is the time it will take for them to deplete the aggregate resource 25 years. In their expansion submission they are not committing to anything in the future beyond that.

Policy 1.7 requires that this extension should support the sustaining and enhancing of the viability of the agricultural system through protection of agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.

PCQ’s Comprehensive Rehabilitation Strategy falls short of satisfying the requirements of PPS Policy 1.7. Their long-term support for economic prosperity ceases when the mineral resource is exhausted in 25 years or sooner and all that is left, if they do follow through with their rehabilitation plan is a private passive lake.

The Rehabilitation Strategy does not identify how the passive lake will be used or developed to support Long-term economic prosperity or provide opportunities for economic development. By no means is a private passive lake ready for community investment or serve the economy in the future.

Although this extension application speaks to providing for continued use of the agricultural lands conducive and compatible to the mineral aggregate operations its

result will be removing the agricultural resource and taking away opportunities to support local food production.

PCQ's rehabilitation plans fail to establish the use of the passive recreational lake and how that could support sustaining and enhancing the viability of the loss agricultural land or protect the agricultural resources. A private passive lake is not in itself an offsetting opportunity to support the local food or improve the agri-food network. The lake and portions of the property outside the limit of extraction should be considered A Private Open Space and conform to sections 3.13 Parks and Open Space and 3.14 Private Open Space of the City's Official Plan.

The rehabilitation strategy falls short of exhausting alternative opportunities for economic development and community investment-readiness of the private passive lake. It is understandable that the excavated area can not reasonably be returned to agricultural uses but there are other viable beneficial economic options. There is no reason why the rehabilitation plan does not include opportunities such as but not be limited to:

- Turning the passive lake over to the City for recreational uses;
- Developing or selling the passive lake as an economical recreational business uses similar to Sherkston Shores Resort;
- Developing those portions of the property outside the limit of extraction where they claim agriculture will continue, into residential and commercial opportunities either by themselves or a Developer;
- Creating a floating residential area supporting the need for housing or,
- Using the passive lake for aquacultural uses like fish farming that is an opportunity to support local food, and maintain and improve the food network.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until it can be demonstrated the expansion will satisfy all the conditions of the PPS Policy 1.7 and the rehabilitation plan is revised to included how and when the rehabilitation will support economic prosperity of the community after the resources have been extracted and well into the future beyond 25 years.

Respectfully Submitted



Harry Wells

Appendix II

Quarry Details

Figure 1 Aerial View of Pit 2 and Pit 3



Figure 2 Pit 2 and Pit 3



Figure 3 Pit 2 and Pit 3 Licence 4444 Detail

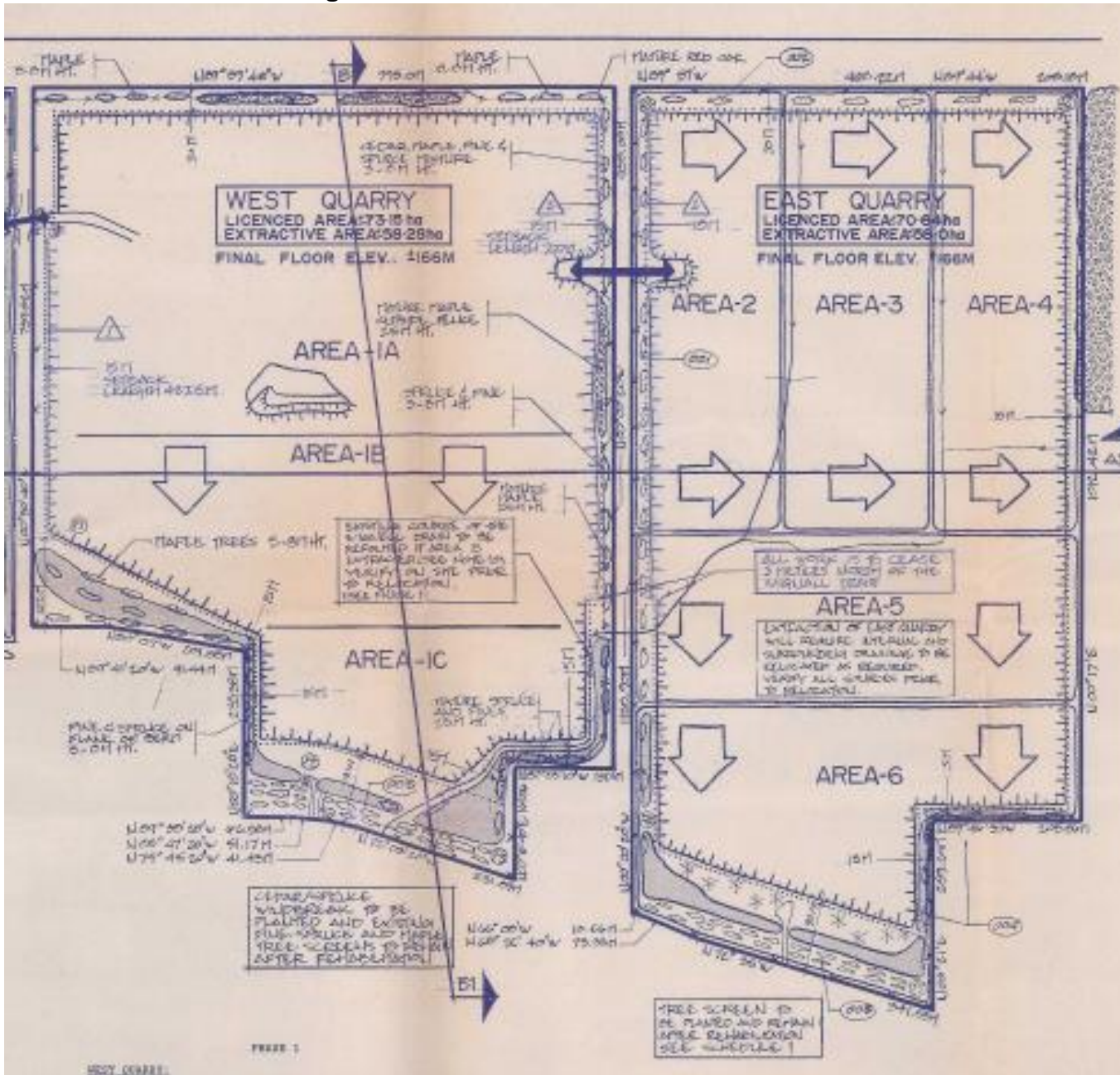


Figure 4 Source of Licence 4444 Detail




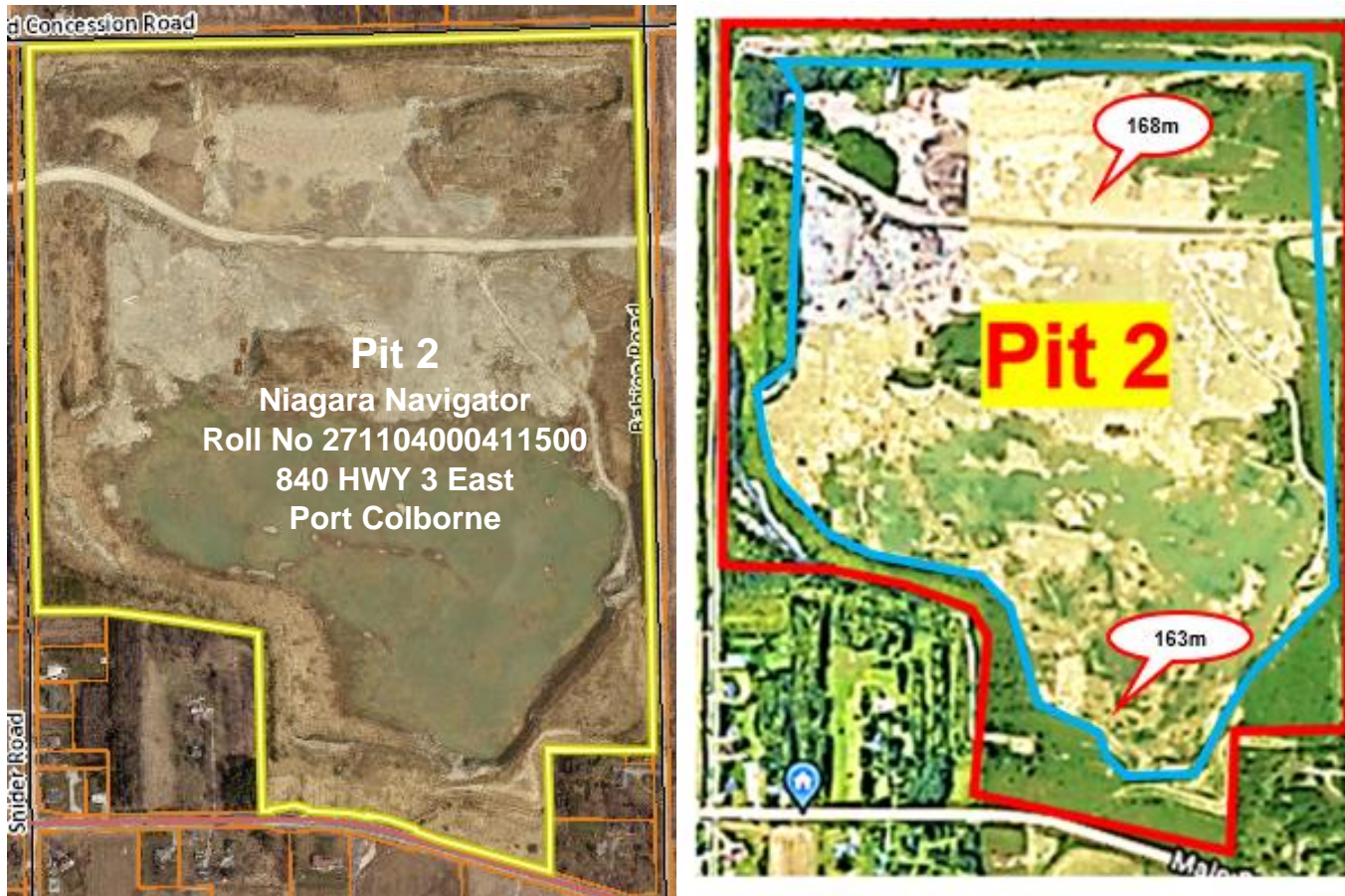
 <p>Lesley Taylor B.Sc. CONSULTING GEOLOGIST 4 Norris Place St. Catharines, Ont. 1-416-684-0698.</p>					
<p>PROJECT NAME : PORT COLBORNE QUARRIES LIMITED PARTS OF LOTS 17, 20, 21 & 22 CONCESSION 2 IN THE FEATHER TOWNSHIP OF HURONVILLE NOW IN THE CITY OF PORT COLBORNE REGIONAL MUNICIPALITY OF NIAGARA</p>					
<p>PORT COLBORNE QUARRIES LIMITED P.O. BOX 275 PORT COLBORNE, ONTARIO L3K 5W1</p>					
<p>LICENCE INFORMATION : SEE PAGE 1 OF 6</p>					
<p>SCALE : 1:4000 FEET</p> 		<p>Approved & Certified Jan 25, 1993 L. Taylor Lesley Taylor Geologist</p>			
<p>APPLICANT SIGNATURE : <i>David V. Bishop</i></p>		<p>DRAWN BY : KJH</p>	<p>CHECKED BY : LT KJH</p>	<p>ISSUE DATE : Jan. 1993</p>	<p>PROJECT NO : 91-07-LTKH</p>
<p>DRAWING TITLE : OPERATIONAL PLAN</p>				<p>DRAWING NO : 2 OF 6</p>	

Figure 5: Pit 2 Detail



Pit 2

Total Area: 73.2 Ha

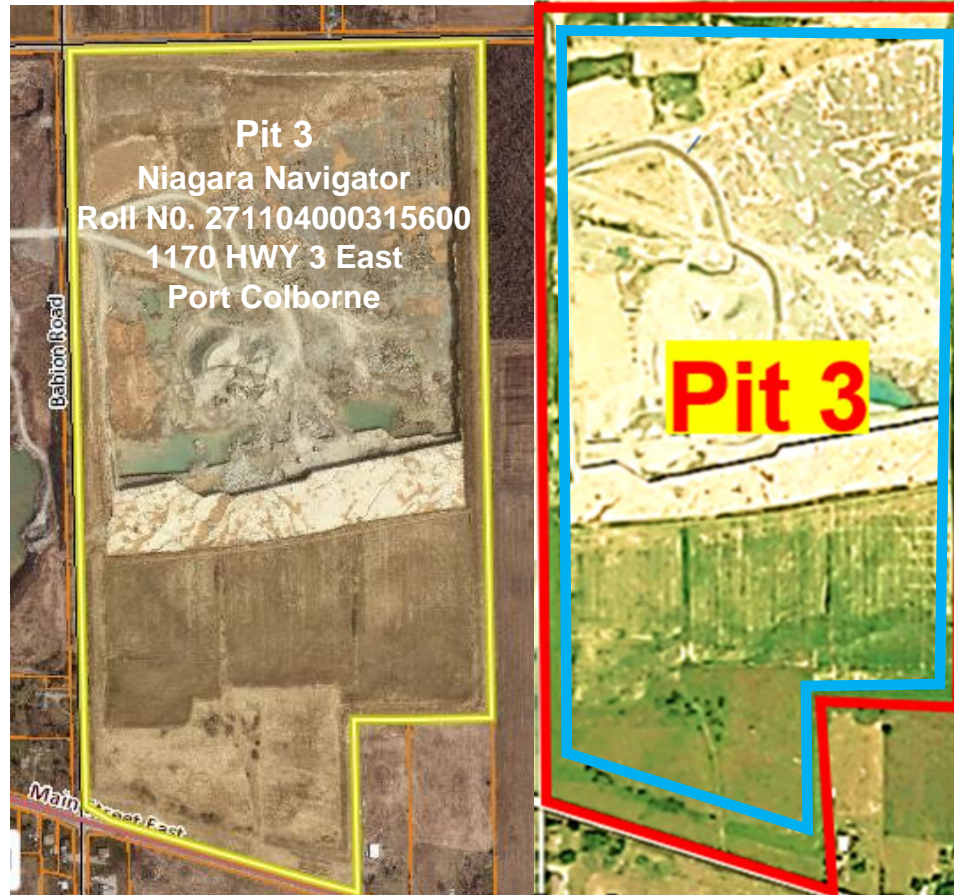
Pit Area (Inside **Blue** line): 58.3 Ha

Berm Area: (Between **Red** and **Blue** lines): 14.9 Ha

% of Watershed: 22.3%

Bottom: Impervious bedrock with a 5m slope north to south to promote water flow to discharge pump.

Figure 6: Pit 3 Detail



Pit 3

Total Area:	70.6 Ha
Pit Area (Inside Blue line):	58.00 Ha
Berm Area (Between the Red and Blue lines):	12.6 Ha
% of Watershed:	21.5%

Bottom: Impervious bedrock with a 3m slope east to west to promote water flow to 2 discharge pumps.

Pit 2 and 3 Combined Area is 43.9% of the watershed

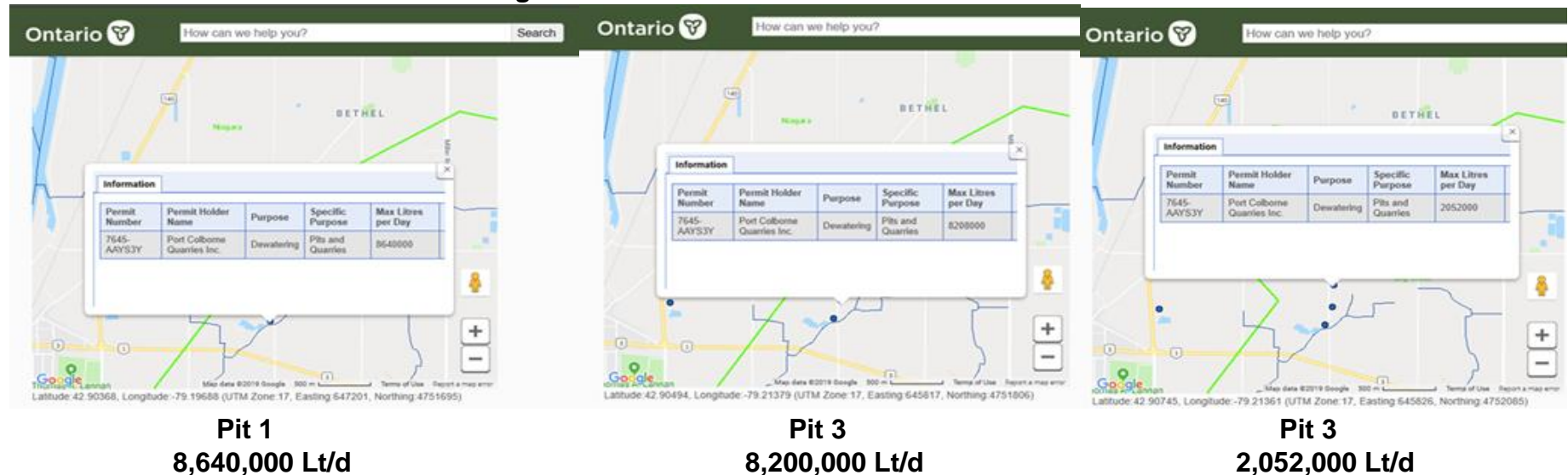
Figure 7: C factors for Hydrologic Soil Groups

Land Use Description on Input Screen	Description and Curve Numbers from TR-55						
	Cover Description	Cover Type and Hydrologic Condition	% Impervious Areas	Curve Number for Hydrologic Soil Group			
				A	B	C	D
Parking and Paved Spaces	Impervious areas: Paved parking lots, roofs, <u>drivesways</u> , etc. (excluding right-of-way)		100	98	98	98	98

Pg 25 Port Colborne Drain Meeting Dec 13, 2022, City of Port Colborne

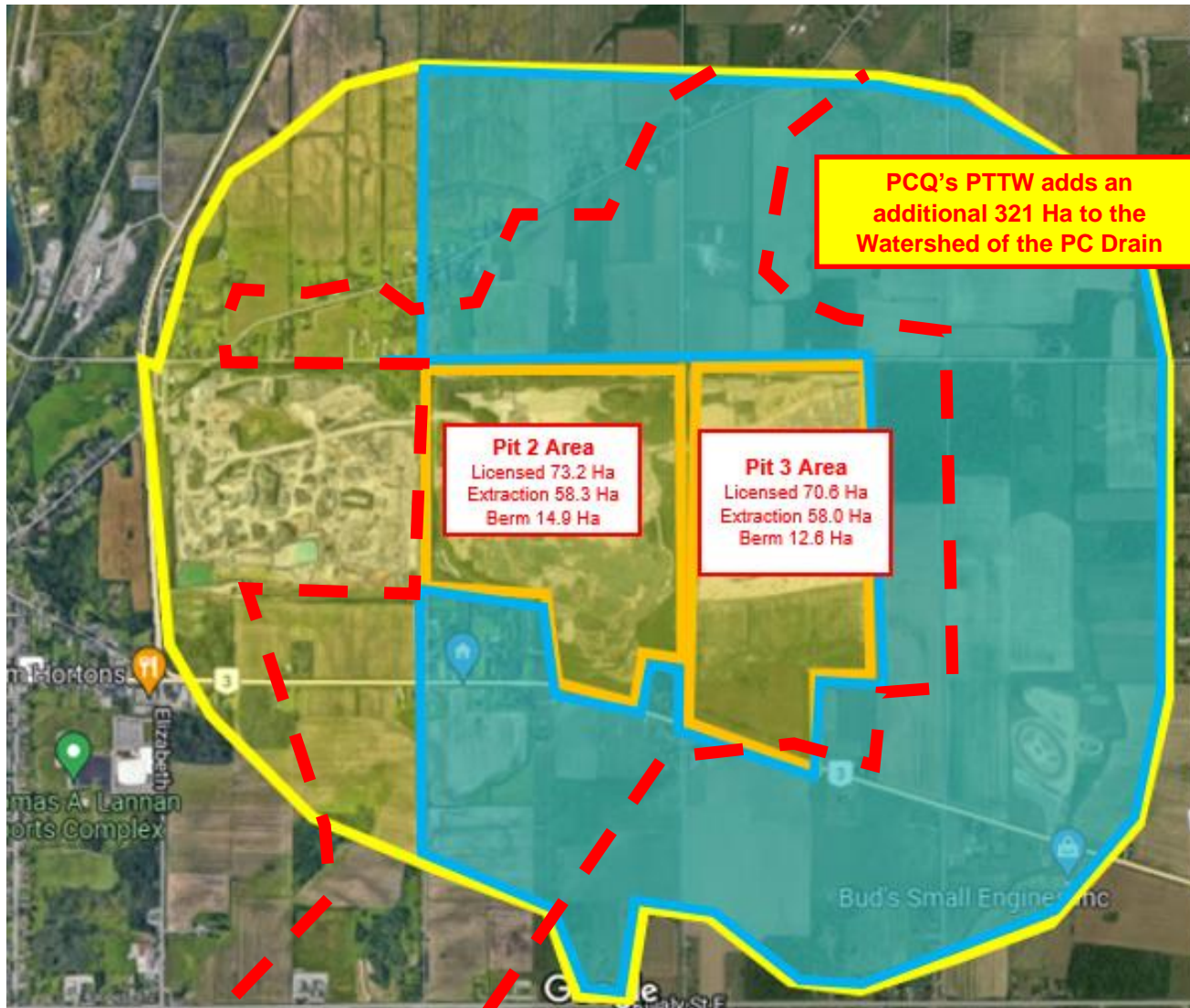
Permit To Take Water No. 7645AAY53Y


Figure 8: Permits to Take Water for Pit 2 and 3




Combined Total Discharge 18,892,000 Lt/d

Figure 9 PTTW Cone of Influence



 Area influenced by PCQ Permit to Take Water. Ground water in this area can be pumped into the Port Colborne drain at rates up to 18.9 million litres per day.

 PC Drain Watershed Boundary

March 1, 2023

From: Harry Wells
548 Highway #3 East
Port Colborne, ON L3K 5V3
[REDACTED]

To: City of Port Colborne
Planning and Development Services
66 Charlotte Street,
Port Colborne, ON L3K 3C8

Re: Economic Prosperity Objection to City Official Plan and Zoning Amendments File Numbers: D09-02-21 & D14-09-21, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Deputy Clerk,

Please accept this as part of my input on the proposed amendments to the Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

The Regional application to amend form was completed claiming that no fill was placed on the site when completing Part 5 Item C as shown below. I believe this to be a false statement as there was paper waste pulp placed north of the racetrack as shown in Figure 1 and 2 below. It is my understanding that the mound that is there is comprised of wastepaper pulp from one of the Thorold paper mills. This being the case then the Application should not be accepted until it is accurately completed, and the issue of there being fill there it should be investigated and dealt with appropriately.

Respectfully Submitted



Harry Wells

PART 5: Previous Uses of the Subject Lands

A. What were the previous uses of the subject lands?

Agriculture

B. Has there been an industrial or commercial use of the site or adjacent land?

*Yes No

*Please specify the type of use:

*Last year of use on subject lands:

C. Has there been fill placed on the site?

*Yes No

This is a false statement as fill has been placed on the site at the north side of the Humberstone Speedway. See Appendix I

*Please specify the type of fill:

*Time period of fill placement:

D. Is there reason to believe the site may have been contaminated by former uses, either on the site or on adjacent sites? (e.g. former industrial use, agricultural use, commercial use, gas station, petroleum or other fuel stored on site or adjacent site.)

*Yes No

It is reasonable to believe the Humberstone Speedway site is contaminated with petroleum and other chemicals used by vehicles participating in races and demolition derbies.

*If "yes", an environmental site assessment of all former uses of the site and, if appropriate, an adjacent site, to the satisfaction of the Ministry of Environment and Climate Change and/or the Region is required. This study must be prepared in accordance with O.R. 153/04 by a qualified consultant.

Fill place on site of PCQ Expansion

Figure 1: Google Maps aerial view



Figure 2: Google Maps view from Miller Road



March 1, 2023

From: Harry Wells
548 Highway #3 East
Port Colborne, ON L3K 5V3
[REDACTED]

To: City of Port Colborne
Planning and Development Services
66 Charlotte Street,
Port Colborne, ON L3K 3C8

Re: Rehabilitation Objection to City Official Plan and Zoning Amendments File
Numbers: D09-02-21 & D14-09-21, Port Colborne Quarries (PCQ) – Proposal for Pit 3
Expansion

Dear Deputy Clerk,

Please accept this as part of my input on the proposed amendments to the Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

PCQ operates several (3) existing quarry sites within the area bounded by Highway 140, Highway 3 (Main St.), Miller Road and Second Concession Road (*Pit 1, Pit 2 and Pit 3*). Some of these sites are active but not licensed and therefore do not have an established rehabilitation plan, and other sites are licensed under the Aggregate Resources Act which are both active and non-active extraction areas.

Fact is PCQ operates only 3 quarry sites Pit 1, Pit 2 and Pit 3. Pit 1 was depleted prior to 1971 and is not an active extraction site and could have and should have been rehabilitated many years ago when Pit 2 was depleted. Processing of aggregate continues in unlicensed Pit 1 despite the 1982 SPA and the availability of sufficient space in the depleted Pit 2 to move the processing to Pit 2 and rehabilitate Pit 1 in what is understood to be progressive.

Failure to require and ensure rehabilitation of Pit 1 by the City of Port Colborne and the MNRF defies the intention of the Aggregate Resources Act (ARA), Provincial Policy Statement (PPS), Regional Official Plan (ROP), Port Colborne Official Plan (PCOP) and Port Colborne’s Comprehensive Zoning By-law (CZB) requiring progressive rehabilitation. One can speculate the reason for not rehabilitating Pit 1 to be purely financial and benefitting only PCQ.

Fact is there is an established rehabilitation plan for Pit 1 that is found in the Site Plan Agreement of 1982 between the City and PCQ. Excerpts from the 1982 SPA identifying the rehabilitation and commitment by PCQ are provided below in Figures SPA 1 through SPA 4

Figure SPA1

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 1155/102/81

BEING A BY-LAW TO AUTHORIZE ENTERING
INTO A SITE PLAN AGREEMENT WITH PORT
COLBORNE QUARRIES LIMITED.

1. In this Agreement,
(a) "Plans and drawings" means the plans and drawings included as Schedule "A" - Existing Site Plan or Existing Features; Schedule "B" - Proposed Site Development Plan or Direction of Operation; Schedule "C" - Rehabilitation Plan; attached hereto and forming Part of this Agreement and such additional Plans and drawings as may subsequently be approved by the City of Port Colborne including plans or drawings which revise or replace any one or more of the plans and drawings attached hereto.

Site Plan Agreement 1982 Page 1 of 26

Figure SPA 2

14. The Quarries has as a condition of licensing pursuant to the Pits and Quarries Control Act, agreed to undertake and maintain a rehabilitation program comprising a passive recreational lake which would only be used by sail boats, canoes and row boats.

Site Plan Agreement 1982 Page 6 of 26

Figure SPA 3

23. The Quarries agrees to the undertaking and maintenance of a rehabilitation program compatible to the program contemplated in Clause 14 of this Agreement for that area west of Snider Road, being Part of Lots 23 and 24, Concession 2. **Pit 1**

Site Plan Agreement 1982 Page 8 of 26

Figure SPA 4

31. This Agreement shall enure the benefit of and shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns and successors in title.

Site Plan Agreement 1982 Page 10 of 26

This is acknowledged on page 6 of the Comprehensive Rehabilitation Strategy and page 16 of the Planning Justification Report. PCQ's acknowledgement of the Site Plan Agreement and their demonstrated lack of progressive rehabilitation demonstrates they

are not committed to honouring the intent of agreements and illustrates how they will honour their future commitments.

Fact is Pit 2 was depleted in and about 1986. Pits 2 and 3 are licensed under the Aggregate Resources Act license #4444 and a condition of that license is progressive rehabilitation. Pit 2 is not an active extraction site and is only used for storage of various things and a haulage road to connect Pit 1 and Pit 3. The haulage road would not be required if the processing operations in Pit 1 were relocated into Pit 3 as implied in the licensing of Pit 2 and 3 and now as proposed in the request for expansion.

Although the Site Plans for Pit 2 and Pit 3 are combined and the Rehabilitation Plan is the same for both, being that of a passive recreational use as a lake the remediation of them can be independent. The “extraction of the site is all but complete” with an estimated million tonnes of reserve remaining that PCQ could retrieve but claim it is problematical and expensive because it is buried under overburden. Retrieval is well within the ability of PCQ and the overburden could be used for the rehabilitation of Pit 2. One can speculate the reason for not retrieving the reserve and not rehabilitating Pit 2 is purely financial and benefitting only PCQ. If PCQ were truly honouring their commitment to progressive rehabilitation, Pit 2 would and should be ready to have the pumps turned off and allowed to fill and become a passive recreational lake.

PCQ openly acknowledge on Page 8 of the Comprehensive Rehabilitation Strategy that progressive rehabilitation is a key component of the Aggregate Resources Act (ARA) and a policy requirement of the PPS. In addition to the ARA and PPS rehabilitation is a key component of the Regional Official Plan and the Port Colborne Official Plan (PCOP). The PCOP in section 10.1 Mineral Aggregate states a party conducting a mineral aggregate operation such as PCQ shall minimize the long-term impact of the disturbed area by encouraging and promoting the timely, progressive, and final rehabilitation of the aggregate operations. Rehabilitation at PCQ has not been timely or progressive.

The ROP in section 6. Resources 6.A Mineral Resources Policies state that all Mineral Aggregate Operations must meet the landscaping, buffering and setback regulations of the Province; and must follow the plans as prescribed as a condition of their licensing for the rehabilitation of their quarry. Setbacks should not be less than that specified by in PCQ’s License #4444.

PCQ acknowledges that progressive rehabilitation is a key component of the various acts and regulations that govern their MAO but PCQ has denied and delayed the progressive rehabilitation of Pit 1 and 2. PCQ has shown no willingness or significant effort to rehabilitate the depleted quarries and have found excuses and loopholes to avert the requirements to progressively rehabilitate.

10.2.2 Additional Policies

viii) Proposed progressive rehabilitation plan

c) For applications on *Prime agricultural land*, the site will be progressively rehabilitated to agriculture so that substantially the same area and average soil

capability for agriculture are restored. Complete agricultural rehabilitation shall not be required if:

- i) There is a substantial quantity of *aggregate* resource below the water table warranting extraction;
 - ii) The depth of planned extraction makes restoration of pre-extraction agricultural capacity unfeasible and other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as greenfield area, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority. Canada Land Inventory Classes 1, 2 and 3; and
 - iii) Agricultural rehabilitation in remaining areas will be maximized.
- e) In environmental areas, as provided in Section 4, the City will require rehabilitation to enhance the restoration of ecosystem integrity in accordance with the policies of this Plan, the Regional Policy Plan and the appropriate *watershed/sub-watershed* study.
- f) Where such resources exist, the City will promote and encourage rehabilitation of *aggregate* operations in a manner which incorporates the cultural and heritage resources in or adjacent to the site, including the conservation of *significant* cultural or heritage features where practical.

ROP 6.B Objectives for Mineral Resources

Objective 6.B.2 To ensure the suitable location, operation and **rehabilitation of mineral extraction activities in order to minimize conflicts with both the natural and human environment of the Region.**

11.5 Parkland Acquisition and Dedication

The Planning Act gives the authority to the municipality to require land for parks and recreational purposes at the time of *development*. This requires the developer to transfer a predetermined amount to the City at no cost. The amount of land that can be requested is limited by the Act and varies depending on use.

11.5.1 General

- a) The City will acquire lands to achieve an integrated park and open space system through:
- i) Land dedication;
 - ii) Cash-in-lieu;
 - iii) Subsidies or grants for acquisition from other levels of government or public agencies;
 - iv) Donations, gifts, contributions or bequests from individuals, corporations or other levels of government or public agencies; and
 - v) Funds allocated in the capital budget.

11.5.2 Exemptions from Parkland Dedication

The City may provide for exemptions to the required parkland dedication if:

- a) Privately-owned open space is made available through a co-operative use agreement and which would fill a leisure need identified by and to the satisfaction of the City;
- c) Special features are being preserved in which the City has an interest.

PPS states that it is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until PCQ has demonstrated the progressive rehabilitation of Pits 1 and 2 and the satisfying of all the conditions of the PPS Policy 1.7 with regards to rehabilitation of Pits 1 and 2.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Harry Wells", written in a cursive style.

Harry Wells

March 1, 2023

From: Harry Wells
548 Highway #3 East
Port Colborne, ON L3K 5V3
[REDACTED]

To: City of Port Colborne
Planning and Development Services
66 Charlotte Street,
Port Colborne, ON L3K 3C8

Re: Setback Objection to City Official Plan and Zoning Amendments File Numbers: D09-02-21 & D14-09-21, Port Colborne Quarries (PCQ) – Proposal for Pit 3 Expansion

Dear Deputy Clerk,

Please accept this as part of my input on the proposed amendments to the Port Colborne Official Plan (OP) and Port Colborne Zoning By-law 6575/30/18 (ZBL).

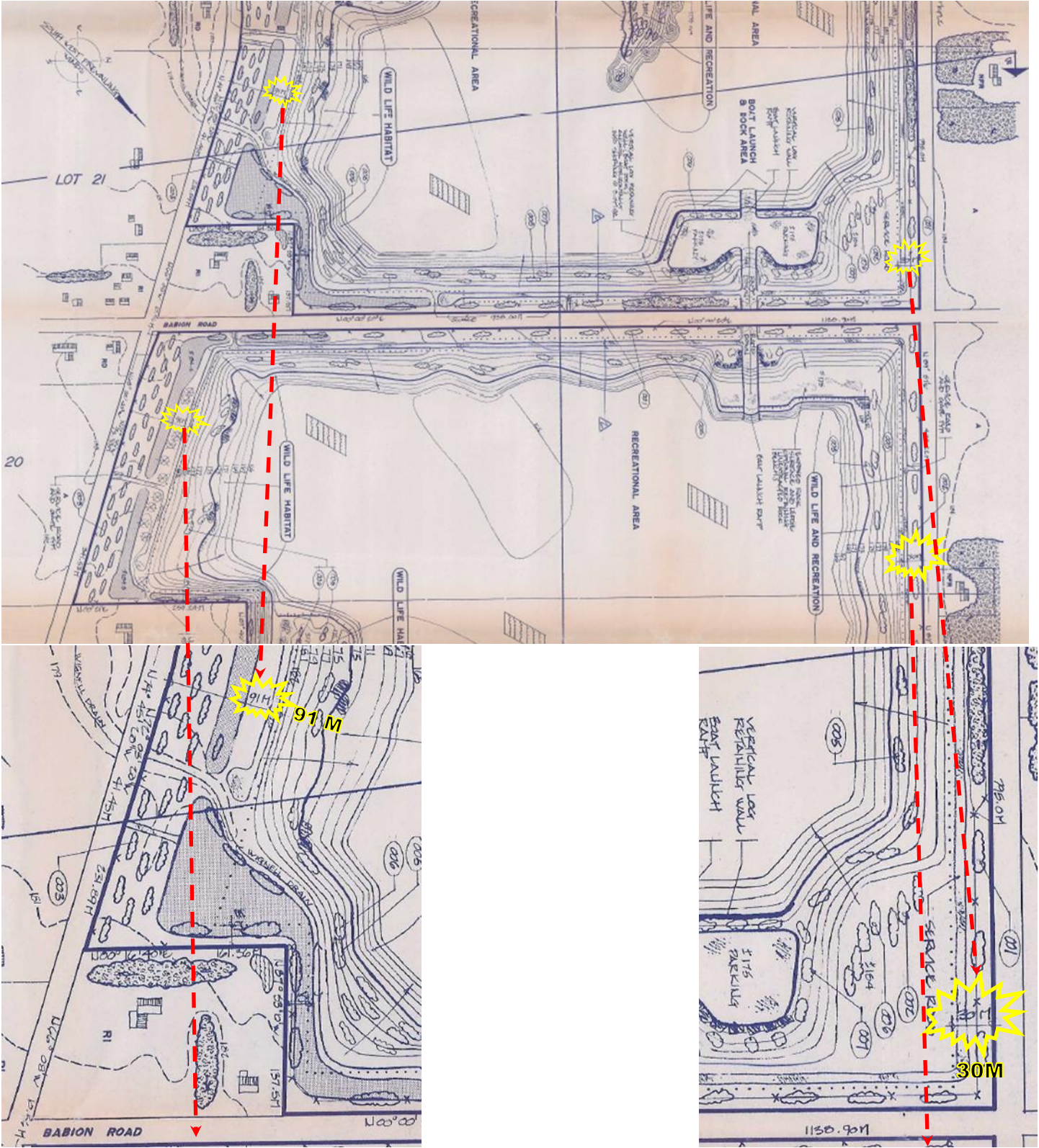
In my opinion these amendments are not consistent with the Provincial Policy Statement and Regional Policies to protect Transportation Corridors. The reduction of the setback is not consistent with Provincial Policy Statement, 2020 (Pg 21) 1.6.8 Transportation and Infrastructure Corridors, sections 1.6.8.1, 1.6.8.2 or 1.6.8.3.

The Regional Official Plan, Amendment 6 states that *“Transportation corridors and transit facilities play an integral role in the regional economy and the daily lives of Niagara’s residents by supporting the movement of people and goods. As the region continues to grow, the need for new and expanded transportation corridors and transit facilities will emerge. To ensure that these corridors and facilities can be developed in a manner that helps achieve growth and employment goals without compromising existing and planned land uses, corridors must be protected.”* Reducing the set back from 90 to 30 meters is not consistent with the intent of protecting the HWY #3/Main Street. This restricts available land for expansion of the corridor and has the potential to create impediments to traffic on the corridor at entrance points to the property.

In my opinion the reduction of the setback is also not consistent with the Region’s Policies 9.D.1, 9.D.3, 9.D.13, and 9.D.14.

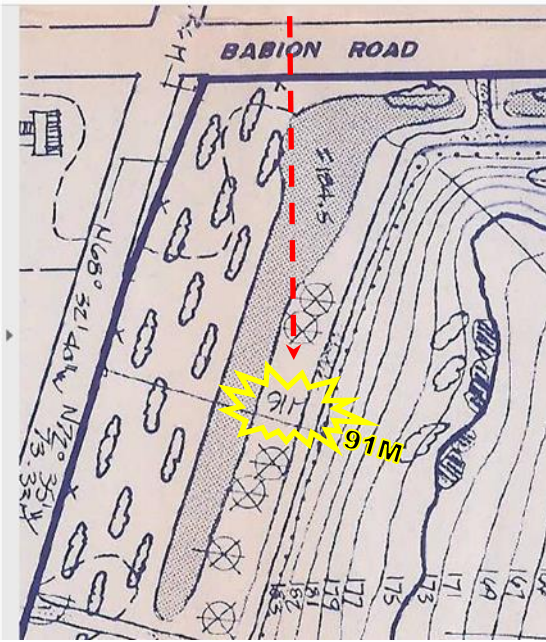
Reducing the set back for the extension along Highway 3 is not consistent with the conditions on Licence #4444. The setback from Highway 3 for Pits 2 and 3 is 90m as shown below in Figure 1.

Figure 1
Setbacks Existing at Pit 2 & 3 License #4444

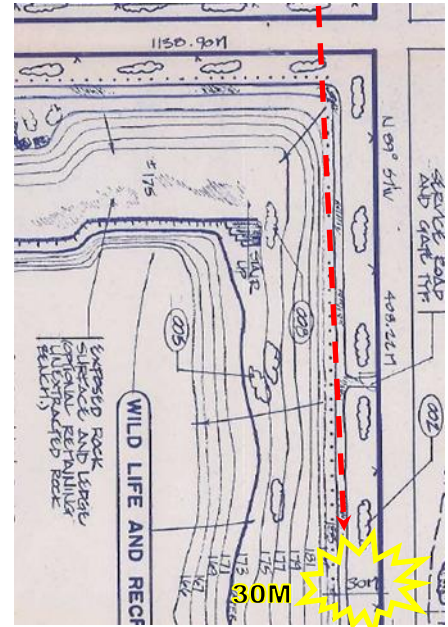


Set Back Pit #2 HWY 3

Set Back Pit #2 2nd Concession



Set Back Pit #3 HWY 3



Set Back Pit #3 2nd Concession

The application of the D Series Land Use Compatibility Guidelines privileges the aggregate industry over industry generally. To the extent the land use compatibility guidelines apply, that application is by joint review with by the Ministry of Norther Development, Mines, Natural Resources and Forestry (MNDMNR) and MECP with one exception: the municipal zoning decision. Port Colborne only gets one opportunity to evaluate the objective merits of PCQ's application and that is in the municipal zoning decision.

Aggregate extraction isn't a land use: In the past the courts concluded aggregate extraction isn't a land use. The Province of Ontario amended the Planning Act by introducing Section 34 (2) which states: "Pits and Quarries. – The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection 1." 2 34 (1) provides municipalities with the ability to restrict the use of land through zoning.

Where the aggregate industry is concerned, municipalities exercise that control through the initial re-zoning of the land for extraction. Land use compatibility is one test required for rezoning. Otherwise, there is no municipal control of PCQ under the Planning Act after the zoning is approved. Where other industry is concerned, other Planning Act measures apply such as site plan control

The definition of adverse effects is set by the Environmental Protection Act. That inclusive definition is also adopted and applied by the Provincial Policy Statement 2020 under the Planning Act. It is imperative land use compatibility is properly established for existing uses and future uses as permitted in the zoning bylaw before PCQ's zoning approvals are finalized.

Where the aggregate industry is concerned, municipalities exercise that control through the initial re-zoning of the land for extraction. Land use compatibility is one test required for rezoning. Otherwise, there is no municipal control of PCQ under the Planning Act after the zoning is approved. Where other industry is concerned, other Planning Act measures apply such as site plan control.

Planning decisions involve balancing the public interests involved in aggregate extraction and the rights of the private property owners whose lands will become buffers to address the extraction's

adverse effects. It is imperative land use compatibility is properly established for existing uses and future uses as permitted in the zoning bylaw before PCQ's zoning approvals are finalized.

Appendix E attempts to provide a visual comparison of a 30 meter setback compared to a 90 meter setback and how it will negatively impact the viewer's impression of the area.

Objection

The amendments to the ROP, PCOP and Zoning should not be approved until it can be demonstrated the expansion will satisfy all the conditions of the Provincial Policy Statement and Regional Policies to protect Transportation Corridor of HWY #3/Main Street.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "H. Wells", written in dark ink.

Harry Wells

Britney Fricke and David Schulz

How is this protecting or improving the quantity of the water resource? How is this preparing for the impacts of a changing climate to water resource systems at the watershed level? What measures is the Region and Municipality putting in place as required by the PPS to protect, improve or restore the vulnerable ground water of the aquifer? What practices for the efficient and sustainable use of the water from the aquifer is the Region and Municipality requiring PCQ to implement to conserve and sustain the quality of the water from the aquifer?

Respectfully submitted



Harry Wells

T: [REDACTED]

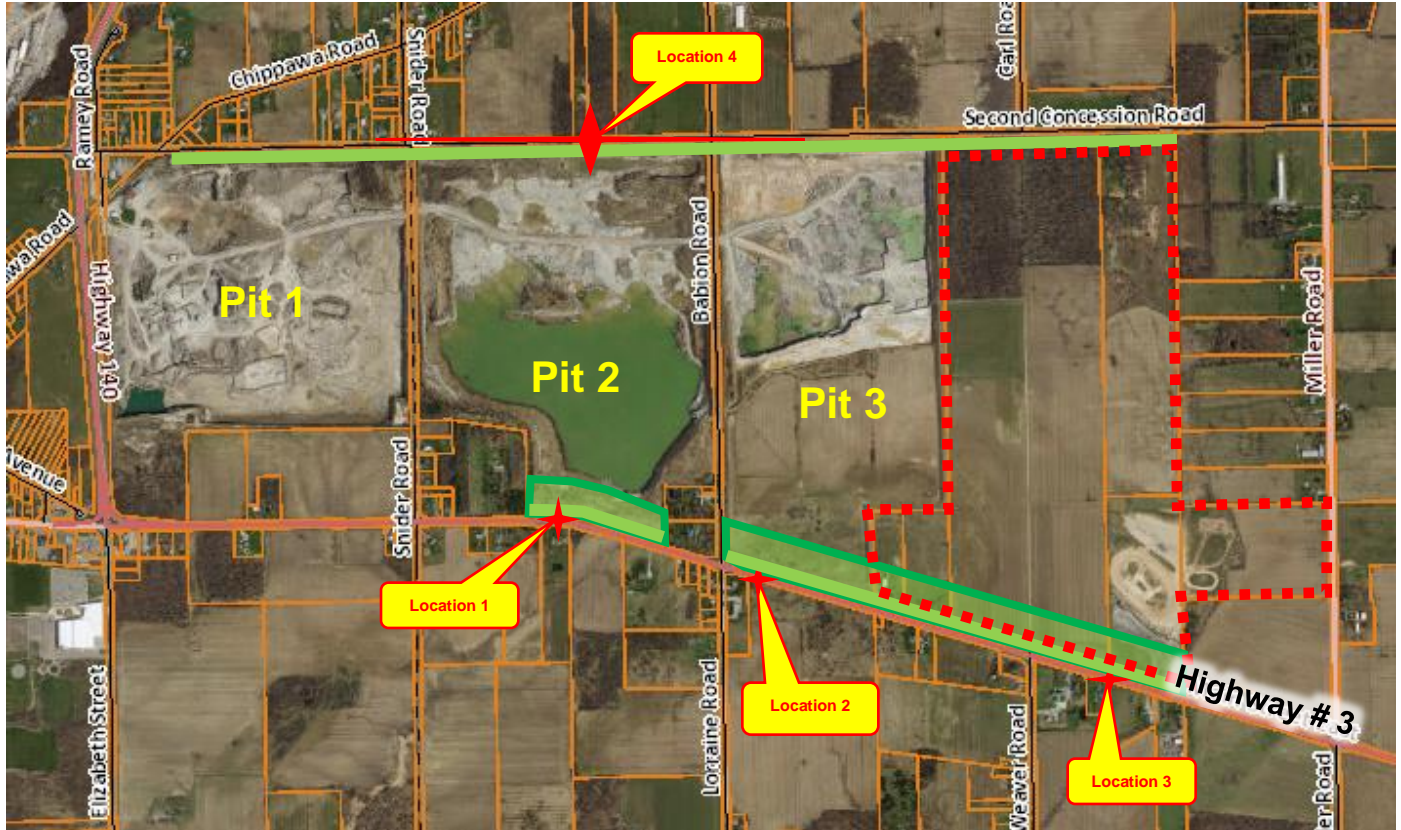
E: [REDACTED]

Appendix E

90 Metre vs 30 Metre Setback and Visual Comparisons

Figure 1

Area of Port Colborne Quarries and locations of Images



★ Indicates the location of the following locations that are provided below

— Indicates the 30m setback

— Indicates 90m setback

--- Indicates Pit 3 Expansion Boundary

Location 1

Figure 2

Pit 2 90 metre set back from north side of Highway 3



Figure 3

Closer image of Figure 2 showing southern berm of Pit 2 with a 90 metre setback



Figure 4

Residence on south side of Highway 3 directly across from area in Figures 2 and 3



Figure 5

Closer image of Figure 4



Figure 6

Visual Comparison of Figure 3 Pit 2 Setback and Figure 5 Residence directly across the Highway



Location 2

Figure 7

View looking east on Highway 3



This view shows a significant visual contrast between Quarry berms on the left and agricultural residential lands on the right.

Figure 8

Another view looking a little further east on Highway 3 from location of Figure 7



Quarry berm on the north of Highway 3 has a significant visual difference from the agricultural property on the south of Highway 3

Figure 9

Closer image of Figure 7



Figure 10

Closer image of Figure 8



Location 3

Figure 11

The view driving east on Highway 3



Figure 12

Recreation of Figure 11 of the view easterly with a 90 metre setback along Highway 3



Figure 13

Recreation of Figure 11 of the view easterly with a 30 metre setback along Highway 3



Comparison of Figure 11 to Figure 13 illustrates a drastic visual change between a 30m setback and the current visual aspects of the area. Comparison of Figure 12 to Figure 13 illustrates a similar drastic visual change between a 30m setback and a 90m setback

Figure 14

The view driving east on Highway 3 entering the City



Figure 15

Recreation of Figure 14 of the view westerly with a 90 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



Figure 16

Recreation of Figure 14 of the view westerly with a 30 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



Comparison of Figure 14 to Figure 16 illustrates a drastic visual change between a 30m setback and the current visual aspects of the area. Comparison of Figure 15 to Figure 16 illustrates a similar drastic visual change between a 30m setback and a 90m setback

Location 4

Figure 15

View looking west down Second Concession with PCQ Pit 2 on the left with a 30 metre set back



The picture illustrates the significant visual impact between a 30 metre berm and agricultural lands

Figure 16

View looking south down Babion Road with PCQ Pit 2 on the right with a 30 metre set back and Pt 3 with a 30 metre setback on the left.



Figure 17

View looking east down Second Concession with PCQ Pit 2 and 3 on the right with a 30 metre set back



Figure 18

View looking east down Second Concession with PCQ Pit 2 on the right with a 30 metre set back



Figures 15, 16, 17 and 18 illustrate how narrow a 30 metre set back is and the drastic visual difference from the agricultural land across the road.

Figure 19

Close up of Berm on north side of Pit 1 on Second Concession with 30 metre setback



Figure 20

Close up of residence on north side of Second Concession directly across from land depicted in Figure 17 for comparison.



Note:

These pictures were sourced from Goggle Maps and are meant to illustrate the visual aspects of the current visual aspects of the area, the visual aspects with a 90 metre setback and the visual aspects with a 30 metre set back. It is unreasonable to expect that there will not be a drastic change in the visual aspects along the north side of Highway 3 if the proposed expansion is permitted as proposed. A 90m setback consistent with Pit 2 and Pit 3 as required under the current licensing will have a change visual along the north side of Highway 3 but they would not be as drastic and be consistent with Pit 2.

One of the pillars of the City of Port Colborne's Strategic Plan is attracting tourists and Highway 3 from the east is a main route for tourist entering the City from the US. It is important to protect the visual aspects along Highway 3 such that a good impression is made on tourists entering along this route to be consistent and supportive to the City's efforts to grow tourism and attract tourist and a 30 metre setback is not consistent with the City's Strategic Plan and Community Pillars

Amendments to the ROP, MOP and Zoning By-Law Requested by Port Colborne Quarries

In the Past



In the Past

Page One of Ten Pages *260*

THIS AGREEMENT made this *4th* day of *Feb.* 1982.

BETWEEN :

FORT COLBORNE QUARRIES LIMITED
Hereinafter referred to as the "Quarries"
OF THE FIRST PARTY

-and-

CORPORATION OF THE CITY OF PORT COLBORNE
Hereinafter referred to as the "City"
OF THE SECOND PARTY

In 1982 after two years of negotiations between the City and PCQ a Site Plan Agreement was reached to progressively rehabilitate Pits 1, 2, and 3 to a passive recreational lakes as a condition to allow them to mine the subject lands

approved by the City of Port Colborne including plans or drawings which revise or replace any one or more of the plans and drawings attached hereto.

(b) "Schedules" means and includes any one or more of the Schedules attached to this Agreement and includes plans or drawings as defined in Clause 1(a) above.

2. The Quarries will provide and maintain an earth berm of a minimum height of five feet, said berm to be seeded; and landscaping screen consisting of deciduous and/or coniferous species to a density of one hundred (100) trees per acre minimum along the easterly limit of the Highway 140 road allowance; and the City agrees to assist in obtaining permission from the Ministry of

Page 59 of 107

Visions of 1982 Recreational Lake





METRE OF
 PART OF LOT 24
 CONCESSION 2
 TOWNSHIP OF HUMBERSTONE, now in the
 CITY OF PORT COLBORNE
 REGIONAL MUNICIPALITY OF NIAGARA
 2010

TOTAL DEVELOPMENT AREA = 5.27 Ha = 130,690 m²
 AREA SOUTH OF HIGHWAY CONCESSION 2
 (EXEMPTED)
 AREAS KNOWN AS (1) & (2) (CONCESSION 2)
 TOTAL SITE AREA (1 + 2 AREAS) = 5.69 Ha = 14,074 m²

NOTE
 WITH THE EXCEPTION OF THE CASE OF PAVED ALL TOPOGRAPHIC INFORMATION ON THIS DRAWING HAS BEEN PROVIDED BY A THIRD PARTY AT THE CLIENT'S REQUEST

LAND USE SCHEDULE

PARKING REQUIREMENTS:
HOTEL SITE
 1) 100 ROOMS @ 1 SP/200 = 100 SP
 2) 225 SIXY BOUTIQUE HALL @ 1 SP/4 SIXTY = 56.25 SP
 3) DINING ROOM FOR HOTEL @ 60 SEAT @ 1 SP/4 SEAT = 15 SP
 4) MEETING ROOM 1000 FT² @ 1 SP/10.0 M² OF 3300 FT² = 33 SP
 5) GIFT SHOP - 400 FT² (57.6 M²) @ 1 SP/17 M² OF RETAIL FL. = 3.5 SP
 6) SERVICE VEHICLES (TRUCKS) @ 3 SP/2000 FT² REQUIRED = 3 SP
TOTAL NO. OF PARKING SPACES REQUIRED = 216 SP
TOTAL NO. OF PARKING SPACES PROVIDED = 214 SP
 (110 @ 2.7M X 5.0 M)
 (4 @ 8.0 M X 10.0 M)
 (4 @ 3.5 M X 5.0 M)

PRESTIGE INDUSTRIAL SITE
 2 BUILDINGS A & B @ 51,800 M²
TOTAL AREA = 103,600 M²
PARKING REQUIRED:
 1) 40 SP @ AREA TO BE DESIGNATED UNPAVED PLANT OR SHOULDER @ 2.5 SP FOR EVERY 3 BUILDING SP. @ 1-5% EDGE EVERY 100 M² @ 1 SP/100 M²
TOTAL NO. OF PARKING SPACES PROVIDED = 172 SP
 (172 @ 2.5 M X 5.0 M) @ 2.5 SP/100 M²

2010 Hotel & Prestige Industrial Site



Time Line

- **1982 Site Plan Agreement for Passive Recreational Lakes**
- **2010 Hotel and Prestige Industrial Complex**
- **2014 Precast Concrete Manufacturing**
- **2016 Application to Rezone for Heavy Industrial**
- **2018 Application for Site Alteration Permit for landfilling of Excess Fill in Pit 1**

Today



No Recreational Lake

Today



No Hotel or Prestige Industrial Complex

NOW

- PCQ wants to amend the zoning from Agricultural to Mineral Aggregate
- PCQ wants to mine in the aquifer
- PCQ wants reduced setbacks from 90 to 30 meters
- PCQ claims they will rehabilitate the quarries
- PCQ claims this will provide economic prosperity

Speedway Fill

Fill place on site of PCQ Expansion

Figure 1: Google Maps aerial view



Figure 2: Google Maps view from Miller Road



The Future



Get your crystal balls out and what do you see the future legacy for Port Colborne and its residents will be in 60 years if we continue like this.

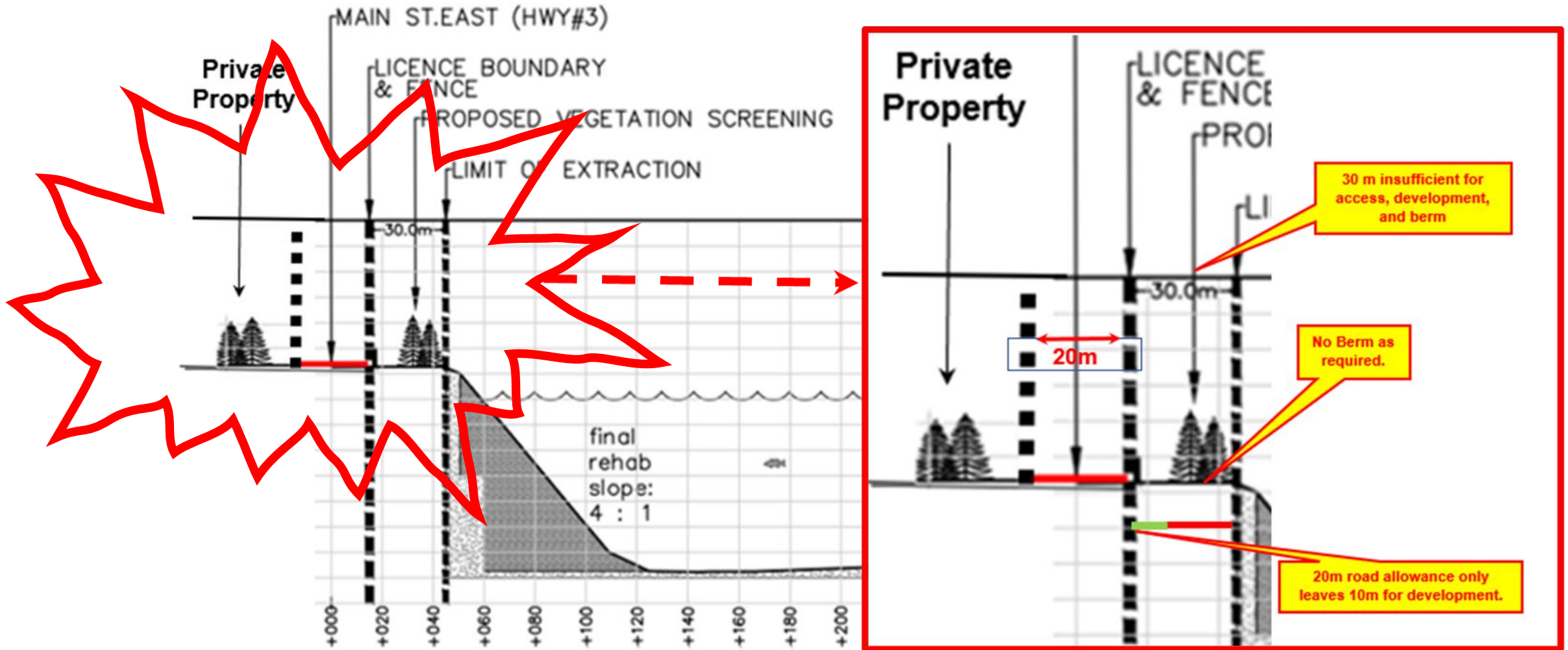
Learning from the Past

- ***“Those that fail to learn from history are doomed to repeat it.”*** Winston Churchill
- The German philosopher Georg Hegel famously said, ***“The only thing that we learn from history is that we learn nothing from it.”***
- Stephen Hawking said ***“We spend a great deal of time studying history, which, let's face it, is mostly the history of stupidity.”***
- ***“The Best Predictor of Future Behavior Is Past Behavior”*** Mark Twain

Is this our Future?

- Past performance would predict that there will be no rehabilitation of these Pits into passive recreational lakes or anything compatible with the residential development planned for the future.
- This is supported by continued efforts resisting the rehabilitation of the depleted Pits and efforts to have them rezoned for heavy industrial or landfilling uses.
- This is enabled by those we elect and employ with the knowledge, authority and responsibility to act in our best interest.
- Will we not learn from the past, or will we end up here again repeating this again and again, suffering from poor decisions?

Proposed Setback from 90 to 30 Meters



Setback Comparison 90 to 30 meters

Figure 12

Recreation of Figure 11 of the view easterly with a 90metre setback along Highway 3



Figure 13

Recreation of Figure 11 of the view easterly with a 30metre setback along Highway 3



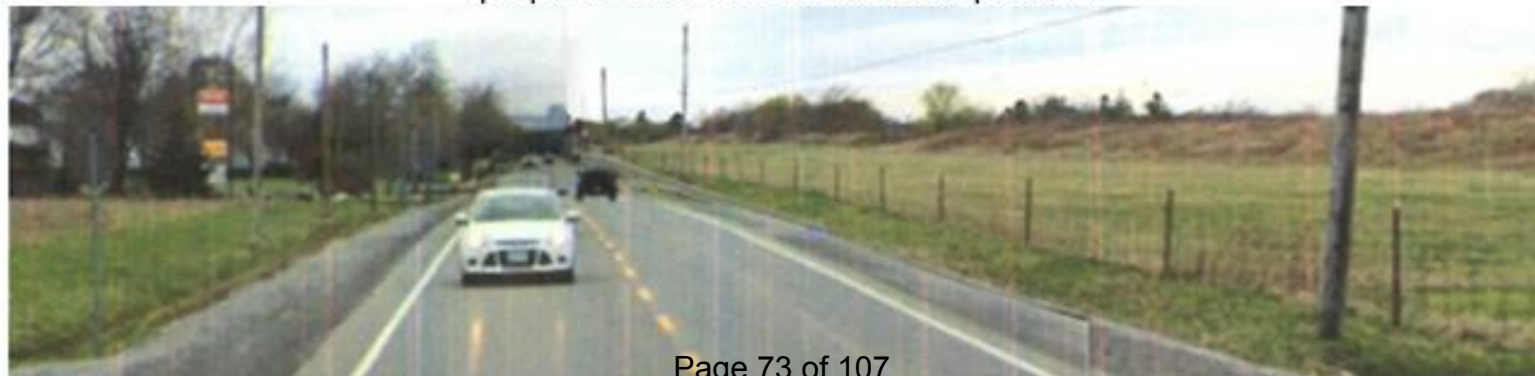
Figure 14

The view driving east on Highway 3 entering the City.



Figure 15

Recreation of Figure 14 of the view westerly with a 90 metre setback along Highway 3 at the proposed location of the Pit 3 expansion



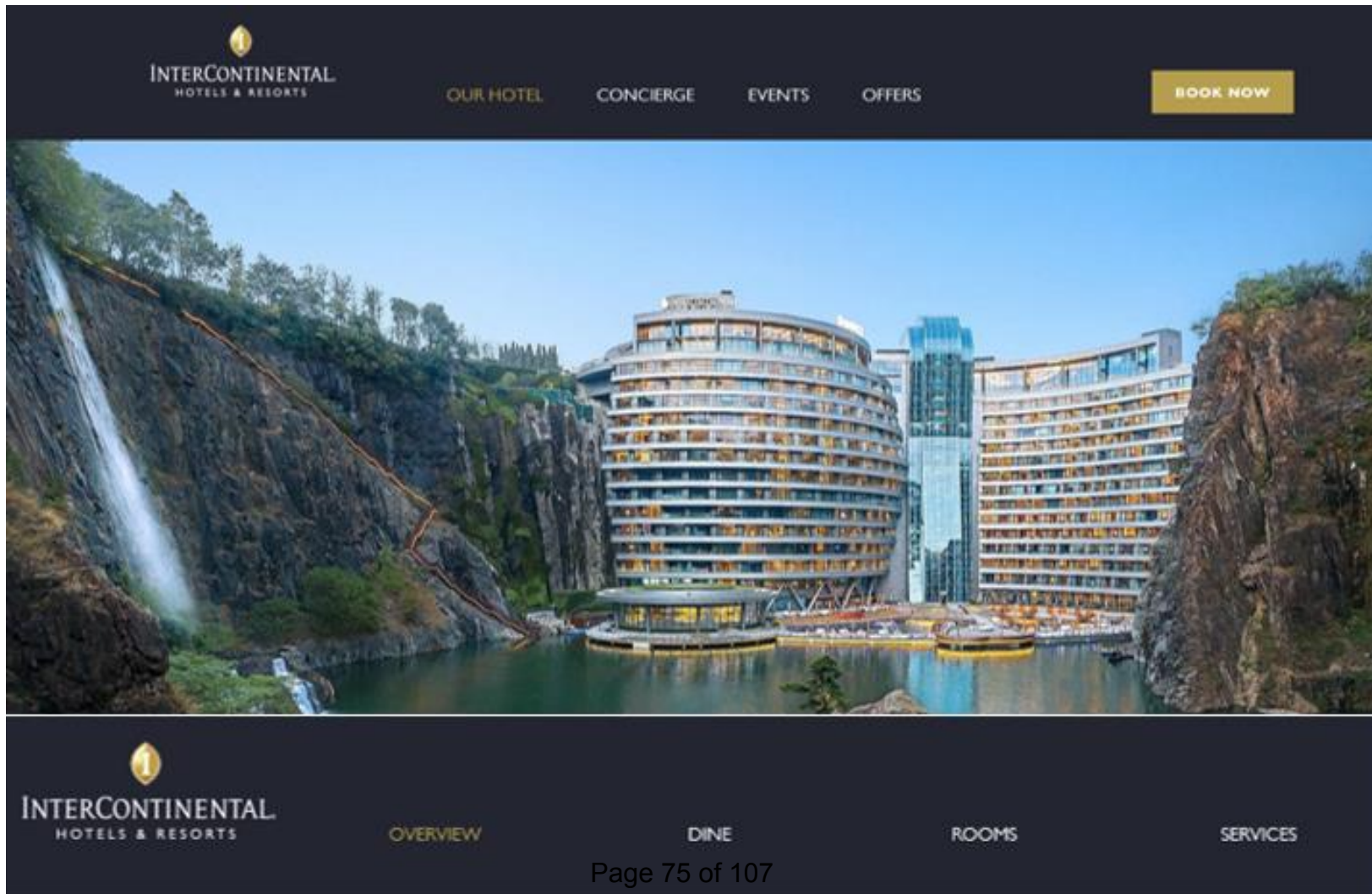
What could the Future be ?

- We have the knowledge and ability to make the right decisions today to shape the future in the way we want it to be. We just need to make them!
- Here are some proven ideas that would provide continual economic prosperity, conformity to the PPS, protect the aquifer and benefit the Region and really make

Port Colborne that little City in a big way.

What the Future Could Be

Shanghai's Underwater Quarry Hotel



The Estate on Quarry Lake Apartments

<https://www.estateonquarrylake.com>



Water Front Residential



Similar to the residential development around the Cement Plant Quarries

A Floating Residential Community



This would increase residential tax base well into the future and address the some of the housing issues we face today.



Aquatic Farming



Fish farming it's not agricultural but it will make the quarries productive food generators like the land was in the past.

In Closing

- **Implement conditions that must be met in exchange for the amendments being requested and enforce the conditions.**
- **Make the conditions that will allow accessing the resources on a temporary basis as intended by the Aggregate Resources Act and actually result in rehabilitation in the best interest of the Region, City and our residents and visitors.**
- **Make the conditions so the Aquifer is protected and the Economic Prosperity of the Region and City are positively influenced as required by the Provincial Policy Statement.**
- **Make the conditions such that they will benefit the Region and City progressively while quarrying and extend 60 years into the future as a minimum.**
- **This is the time to make the correct decisions and do what is right for all of our futures.**

**WE CAN DO
IT RIGHT!!!**

Thank you !!!



CITY OF PORT COLBORNE
239 KING STREET, B35 2P00
POSTAL CODE L3K 4G8

May 21, 1982

J.E. Dickinson, District Manager
Ministry of Natural Resources
Niagara District
P.O. Box 1070
Fonthill, Ontario
L0S 1E0

Dear Sir:

Re: Application for License to Quarry
Port Colborne Quarries Limited
Comments, City of Port Colborne

Further to your correspondence of April 20th, 1982 please be advised that the Planning & Development Committee of Council of the Corporation of the City of Port Colborne has recommended to Council that Planning Department Report #82-15 (a copy of which is attached hereto) be approved and its recommendations carried out.

The recommendations of said report, as amended by the Planning & Development Committee, are:

1. That the City of Port Colborne supports the approval of a license to quarry the subject 12.9 hectare expansion by Port Colborne Quarries Limited, subject to the foregoing recommendations.
2. That the Ministry of Natural Resources clarify the approval status of the City of Port Colborne's Official Plan and Restricted Area (Zoning) Bylaw relative to the land use designation and zone affixed upon the subject site.
3. That the Ministry of Natural Resources issue a license to quarry to Port Colborne Quarries Limited only after the Minister of Municipal Affairs & Housing has modified the Official Plan for the Port Colborne Planning Area.
4. That the Ministry of Natural Resources incorporate the comprehensive site plan agreement between the City of Port Colborne and Port Colborne Quarries Limited dated February 4th, 1982 as a condition of issuance of license to quarry.

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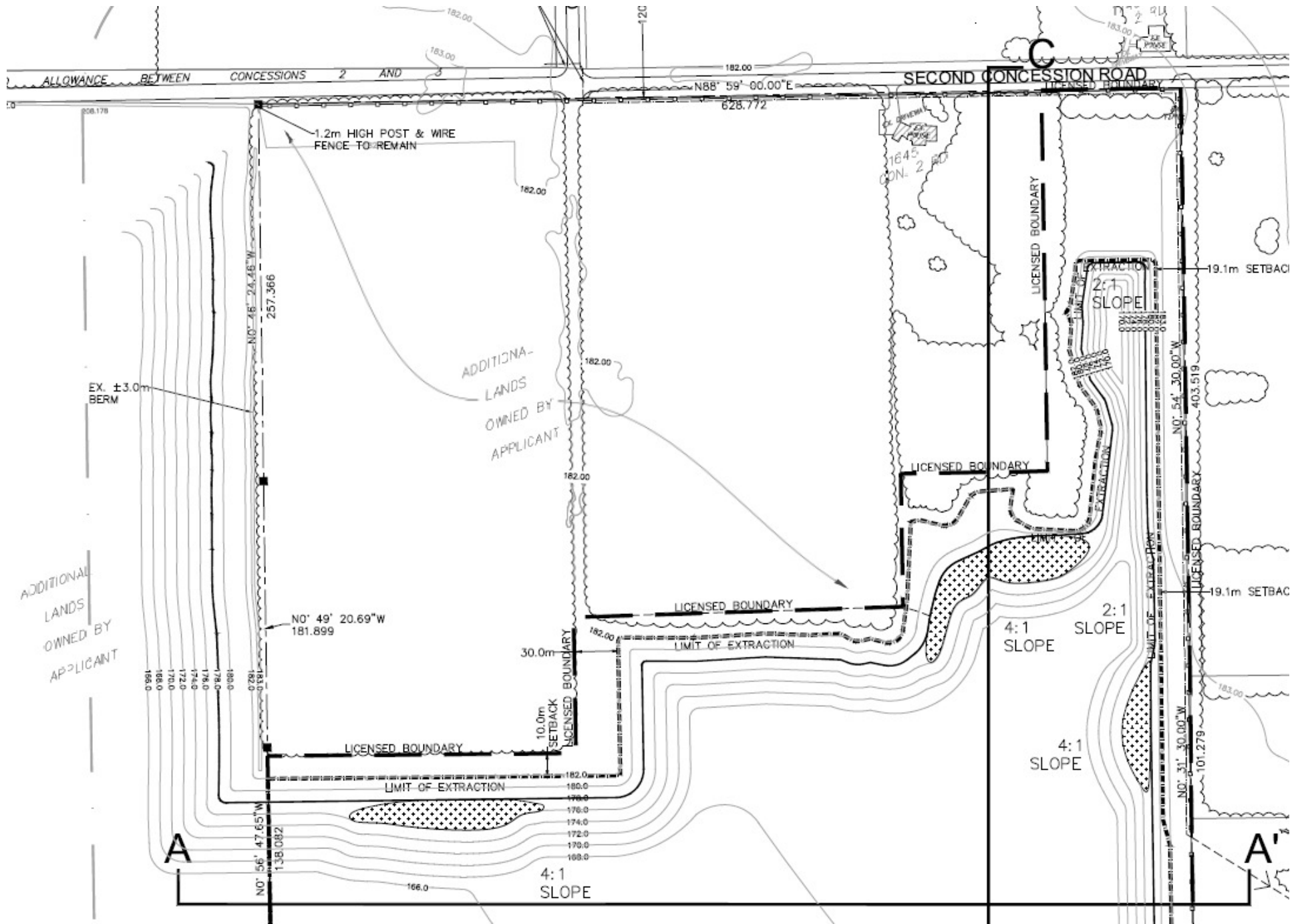
5. That Port Colborne Quarries Limited be required to establish and maintain a hydro-geological monitoring study, satisfactory to the Ministry of Environment.
6. That water discharge into the Wignell Drain be limited so as not to have an adverse impact upon the Wignell Drain.
7. That the proposed drainage courses be excavated and drainage system functional, prior to removal of any overburden and extraction of aggregate to prevent flooding of neighbouring properties.
8. That a settling pond be established to allow for the settling of suspended particles thereby improving upon the water quality discharge into the Wignell Drain.
9. That Port Colborne Quarries Limited discontinue the dewatering of the site into the Babion Road roadside ditch, rather the existing branch of the Wignell Drain that transverses the south-eastern portion of the licensed area.
10. That Port Colborne Quarries Limited adhere to the recommendations of the Ministry of Environment respecting noise and ground vibration controls.
11. That a six (6) month time period be imposed, after the completion of extraction of aggregate has occurred, for the rehabilitation of the subject site.
12. That Port Colborne Quarries Limited maintain the water elevation of the settling pond at a maximum of 555 feet.
13. That staff be instructed to advise the Ministry of Natural Resources of the recommendations of the Planning & Development Committee prior to May 21st, 1982.
14. That staff be instructed to meet with the Ministry of Natural Resources to assist in the preparation of Ministerial conditions of license to quarry.
15. That the Ministry of Natural Resources, Port Colborne Quarries Limited, Ministry of Environment, Niagara Peninsula Conservation Authority and Regional Niagara be advised accordingly.
16. That Port Colborne Quarries Limited supply the City with written confirmation prior to Tuesday, May 25th, 1982 that the \$10,000 payment for the reconstruction of Second Concession Road be deposited with the Municipality once appropriate approvals from the Ministry of Municipal Affairs & Housing and the Ministry of Natural Resources have been obtained to facilitate the Quarries expansionary program.

Should you require further information or clarification, please do not hesitate to contact this office.

cc: J. Fraser
A. Veal
D. Balazs
R. Minnes

Yours truly,

221



3

DPD 1489
November 4, 1981
RE-am.10
QU

Report to: Mr. Bell, Chairman and Members of the
Planning and Development Committee

Mr. Campbell, Chairman and Members of
Regional Council

Councillors:

Proposed Regional Policy Plan Amendment No. 10
Expansion of Port Colborne Quarries
City of Port Colborne

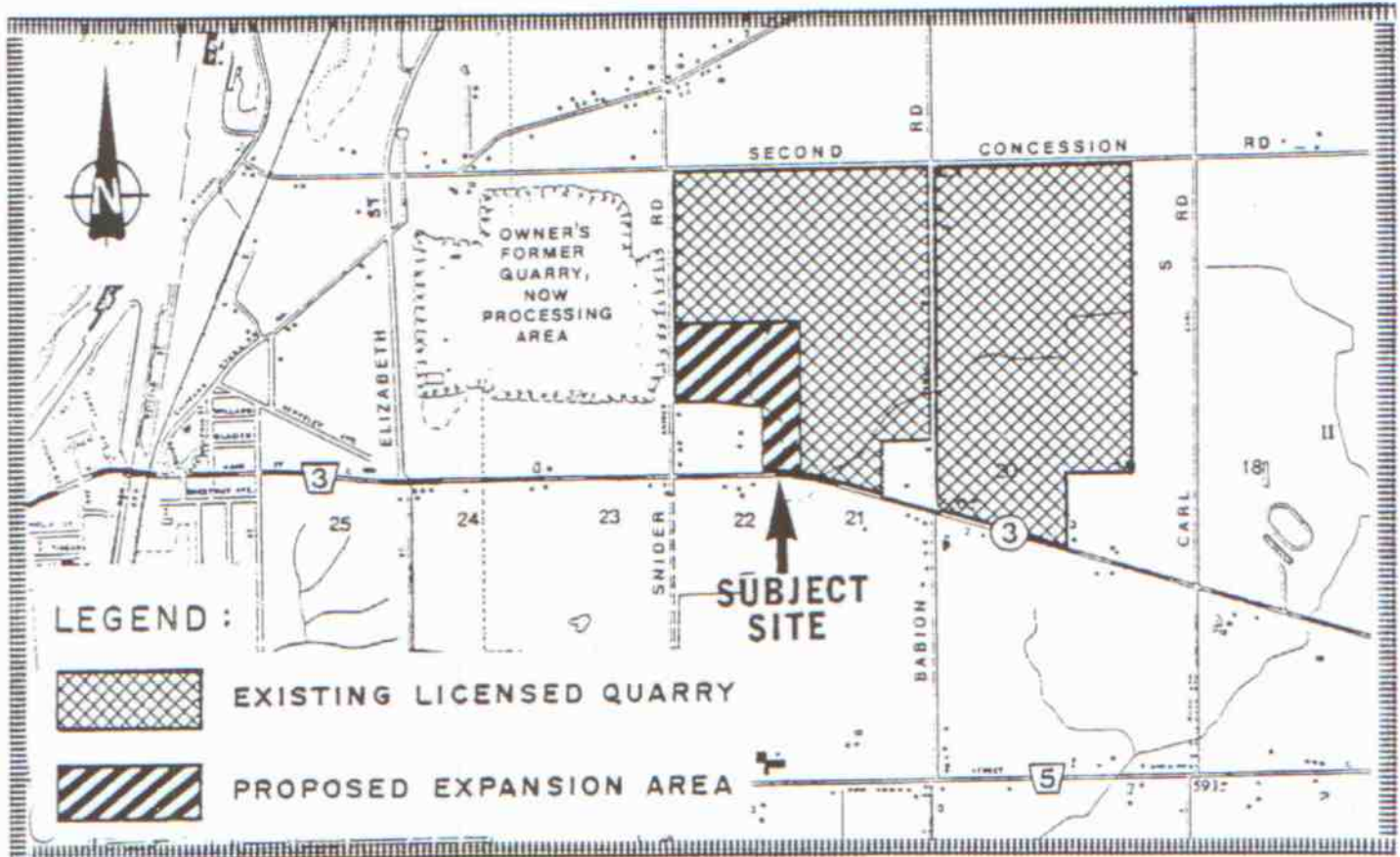
On January 26, 1981, an application was received from Port Colborne Quarries Ltd. to amend the Regional Niagara Policy Plan to permit a 32 acres (12.8 ha) expansion to their quarry located north of Highway 3 and east of Snider Road in the City of Port Colborne (see location map).

An amendment to the City of Port Colborne Official Plan covering a part of the expansion area is also required. In addition to amendments to the local and Regional Official Plans, Port Colborne Quarries is also required to obtain a license to quarry from the Minister of Natural Resources under the authority of The Pits and Quarries Control Act, 1971.

Background Information

In 1974, a license to quarry was issued to Port Colborne Quarries Ltd. covering some 320 acres (128 ha). Under the provisions of this license the quarry was permitted to extract 2 million tons of aggregate a year. At the present time most of the licensed area located west of Babion Road has been quarried. However, some 170 acres (68 ha) of the area licensed in 1974 and located east of Babion Road is yet to be quarried. Over the past two years the City of Port Colborne and Port Colborne Quarries have been attempting to resolve through a site plan agreement a series of issues related to the past, present and future operation of the quarry.

PROPOSED POLICY PLAN AMENDMENT № 10
PORT COLBORNE QUARRIES LTD / QUARRY EXPANSION
CITY OF PORT COLBORNE



LOCATION MAP
1 : 24 000

Brief History of the Amendment Application

- January 26, 1981, application received from Port Colborne Quarries to amend the Regional Policy Plan.
- January 28, 1981, Report DPD 1412 was approved by the Regional Planning and Development Committee authorizing staff to proceed with the proposed amendment.

- March 9, 1981, submission by applicant of a site plan for the quarry expansion and some additional detailed information.
- March 25, 1981, preparation of a technical background information report and distribution to various agencies for their preliminary technical comments.
- April 14, 1981, a joint public meeting was held with the City of Port Colborne to consider and receive comments from the public. At this meeting a number of concerns of the public was raised including:
 - rehabilitation of the existing licensed area.
 - the impact of noise, vibration, and dust from both the existing quarry and the proposed expansion area.
 - the effect of the expansion on well water supplies.
 - the impact of water discharge from the quarry into roadside ditches and Wignell Drain.
 - the height of berms and stockpiles of overburden material around the site.
- May 20, 1981, the City of Port Colborne agreed that they would not consider an amendment to their Official Plan until the concerns of the residents had been properly dealt with by Port Colborne Quarries.
- May 27, 1981, Memo 782 which outlined the status of the application to that date was received by the Regional Planning and Development Committee.
- August and September 1981, several meetings with Port Colborne Quarries, the City of Port Colborne, Regional Planning Staff, the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Ministry of the Environment.
- October 14, 1981, the City of Port Colborne agreed to enter into a special site plan agreement with Port Colborne Quarries and agreed to support a local Official Plan amendment to permit the quarry expansion.

Comments

Policy 7.E.5 in the Regional Policy Plan sets out a series of criteria against which all applications for new quarries or expansions to existing quarries are considered. These criteria include:

- a) demonstrated need;
- b) compatibility with surrounding land uses;
- c) the impact on the natural environment including surface watercourses and groundwater;
- d) the proposed manner of operation, site plan and rehabilitation;
- e) the proposed haulage roads and the possible effect on the roads concerned on adjacent development.

a) Demonstrated Need

Since 1974, Port Colborne Quarries had produced an average of approximately 1.2 million tons of stone annually. At present, the quarry has approximately an 18 year supply of material in the licensed area east of Babion Road. The licensed area west of Babion Road is virtually depleted.

It is assumed that the reason for wishing to expand the quarry onto this 32 acre parcel is to provide an interim supply of aggregate material pending the bringing into production of the larger existing licensed area. This expansion area is contiguous to the site already being quarried and represents a logical step for the quarry to take from an operational viewpoint and also from the point of view of taking full advantage of a conveniently exploitable resource.

It cannot be argued that this expansion is needed to meet any local or Regional need. Some 85% of the aggregate material is exported to the United States. However, 15% to 20% of the material does serve the local market. There are a number of other nearby quarries including R.E. Law Crushed Stone in Wainfleet and Ridgemount Quarries in Fort Erie which produce a range of material similar to Port Colborne Quarries.

It is probably inappropriate to attach too much importance to the criterion of need in the case of this particular relatively minor expansion to Port Colborne Quarries. This proposed quarry expansion will only add some 2 years to the existing 18 year supply already licensed. Perhaps more importantly, the issue of demonstrated need should properly only become of critical importance if there is a strong reason to suspect that approval will have a serious impact on the surrounding residents or the natural environment.

b) Compatibility with Surrounding Land Uses

The area in the immediate vicinity of the proposed expansion area is presently rural in character. However, the Regional Policy Plan shows the area to the south and west of the quarry as being within the urban areas boundaries for the City of Port Colborne. The Official Plan for the City of Port Colborne, designates the area to the south and west of the proposed expansion area as urban residential. This land use should not normally be considered compatible with an operating quarry particularly if provisions are not made to ensure protection against noise, vibration, dust and fly rock originating from the quarry. Given the fact that development in this area is not anticipated in the near future and that extraction in the proposed expansion area is likely only to last for some 2 years the likelihood of this potential land use conflict is considered minimal.

At present, there are 5 existing residential dwellings located north of Highway 3 to the south and west of the site and 2 dwellings south of the site and south of Highway 3. The distance separation between the edge of the quarry face and the nearest residential dwelling will be approximately 300 feet.

Of particular concern in assessing land use compatibility are the factors of noise, vibration, dust and flyrock.

Port Colborne Quarries through their consultant Philip R. Berger and Associates Ltd. prepared a noise and vibration study. This study has been submitted to the Noise Pollution Control Section of the Ministry of the Environment in order to determine

what measures will be required to ensure that the operation of the quarry meets current noise and vibration standards of the Province. To date, the Noise Pollution Control Section has not formally responded to this report. However, the Quarry has agreed to the following measures:

- i) setbacks from Highway 3 and the nearest residential dwelling which exceed the minimum distance setback standards set out in The Pits and Quarries Control Act 1971.
- ii) the imposition of blasting limits of 40 holes a day.
- iii) the use of sequential blasting techniques.
- iv) the construction of a temporary 18 foot earth berm along the southern and western boundary of the quarry expansion area.
- v) the acquisition and use of noise monitoring equipment to measure noise and vibration from the blasting operations to ensure that Ministry noise standards are adhered to.

It should be noted that the above measures taken by Port Colborne Quarry while helpful in trying to meet Ministry of the Environment noise standards will not necessarily eliminate future complaints regarding noise and vibration from the surrounding residents. Quarries by the nature of their operation are almost assured of creating some nuisance. However, the precautions taken by the quarry should reduce the potential nuisance. However, a final judgement on the impact of noise and vibration will have to await the final comments of the Ministry of the Environment.

The issue of flyrock has not been mentioned in the past as a problem or of particular concern by any of the commenting agencies, the general public or by the City of Port Colborne.

The problem of dust has been mentioned as a serious and long standing concern by residents in the area and by the Ministry of the Environment. The complaints regarding dust have been associated not with the quarry itself but with truck traffic moving from the quarry along Second Concession Road. Port Colborne Quarries have agreed to make a financial contribution to the City of Port Colborne to enable the resurfacing of Second Concession Road and to construct ditches on either side of the Road. It is expected that these measures will assist in a more effective cleaning of the road surface and help to reduce the potential problem. The quarry has agreed as well to continue to carry out periodic cleanings of the road surface. The Quarry presently makes use of a "sonic dust suppression" unit to control dust in their processing operation.

c) Impact on the Natural Environment

i) Ground Water

The Ministry of the Environment has carried out a preliminary study of the impact of the quarry on well water supplies in the vicinity of Port Colborne Quarries. A total of some 200 wells were tested. As a result, a zone of interference was identified within which water supplies would be affected. Only 2 wells were identified as being adversely affected by the quarry's dewatering operation. The Ministry of the Environment has noted that the quarry expansion will likely result in an increase in the zone of well water interference. Port Colborne Quarries has been operating under the provisions of a "Permit to Take Water" under The Ontario Water Resources Act. According to the legislation, the quarry operator is responsible for rectifying any private well water problem attributable to the quarry operation. Port Colborne Quarries is presently negotiating with the two individuals involved to solve their water problems in a manner acceptable to the property owners and to the Ministry of the Environment.

Port Colborne Quarries has also agreed to carry out a more detailed hydrological study in the area prior to any expansion. This Study is intended to assist the Ministry of the Environment to monitor any adverse impact on well water supply resulting from the longer range operations of the Quarry.

ii) Wignell Drain

The Niagara Peninsula Conservation Authority in their preliminary technical comments expressed concern regarding the potential impact of the proposed quarry expansion on Wignell Drain. Wignell Drain is used as a discharge source for ground water and surface water accumulation in Port Colborne Quarries. The concerns of the Niagara Peninsula Conservation Authority relate to the problem of periodic flooding and the quality of water in the drainage channel. A Study carried out by Gartner Lee and Associates for Port Colborne Quarries investigated the impact of the quarry water discharge on Wignell Drain. This Study has been submitted to the N.P.C.A. for their comments. However, to date no response has been received by the Region.

Port Colborne Quarries has agreed to limit water discharge into Wignell drain during periods of high surface water runoff and to construct a retention pond in the quarry to permit both the storage of any accumulated water and to enable the settling out of any silt prior to being discharged into Wignell Drain. They have also agreed to contribute to an independent drainage study of Wignell Drain.

d) Operation Site Plan and Rehabilitation

According to the site plan for the proposed expansion, the extraction sequence will be from east to west and will be completed in approximately 2 years. Aggregate material will be transported by truck to the crushing facilities located in the original pit west of Snider Road.

It is proposed to construct a temporary 18 foot earth berm along the brim of the southern and western edge of the quarry face. A five foot high steel fence is to be constructed around the property. Landscaping will include a continuous 9 foot high grassed and treed earth berm. Upon completion of the aggregate extraction the slopes of the quarry face are to be sloped at a 2:1 gradient. The eventual end use of the quarry is for water related recreation purposes but will not occur for some 20 years or until the supply of material to the east of Babion Road has been extracted.

e) The Possible Effect on Roads

In the past, truck traffic from the quarry has exited onto Highway 140 with the bulk of aggregate material apparently transported directly to the Canal loading dock area. This pattern of truck movement is expected to continue with a continued crossing at Snider Road. No Regional Roads appear to be associated with the transportation of material from the site.

As mentioned earlier there has been a long history of complaints regarding dust from residents living adjacent to Second Concession Road. However, it is expected that the agreement reached between the quarry and the City regarding road maintenance and reconstruction to Second Concession Road should alleviate or at least significantly reduce the problem of dust for the residents.

Conclusion

The proposed expansion to Port Colborne Quarries represents a relatively minor extension to its existing licensed area. In the past the impact of the quarry has been a source of concern and complaints by the City of Port Colborne and nearby residents. This is perhaps not surprising given the size and nature of the quarry and its proximity to existing residential development in the vicinity. The lengthy negotiations regarding this proposal to expand the quarry were primarily directed to rectifying the past and possible future concerns associated with the entire quarry operation.

It should be noted that the Region will have an opportunity to provide additional detailed comments to the Minister of natural Resources regarding this proposal as part of the license to quarry application under The Pits and Quarries Control Act. Any additional detailed comments and concerns from the Ministry of the Environment and the Niagara Peninsula Conservation Authority can be incorporated at that time.

Recommendations

1. That Amendment No. 10 to the Regional Niagara Policy Plan to permit the expansion of Port Colborne Quarries be approved.

Recommendations cont'd

2. That a by-law adopting Policy Plan Amendment No. 10 be prepared and forwarded together with the necessary support information to the Minister of Municipal Affairs and Housing for approval.

Prepared by,



Drew Semple
Planner

/svb

Respectfully submitted,



Corwin T. Cambray
Manager
Policy Planning

PIT 3 EXTENSION
REHABILITATION PLAN
SHEET 10 OF 10

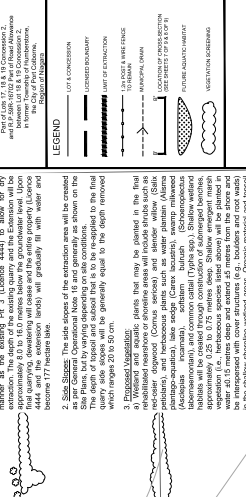
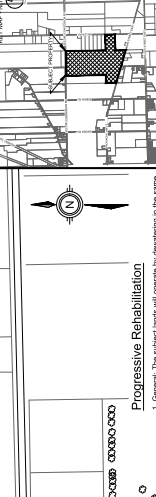
APPLICANT
PORT COLBORNE QUARRIES INC.
 222 MARTINDALE ROAD P.O. BOX 1116
 ST. CATHERINES, ON. L2R 7A1

PROGRESSIVE REHABILITATION

1. **General:** The subject lands will continue to be developed as a quarry extension. The slope of the existing quarry and the Extension will be maintained at 4:1. The final quarrying, leveling and final site preparation will be completed within 18 months of the start of quarrying. The final site preparation will be completed within 18 months of the start of quarrying. The final site preparation will be completed within 18 months of the start of quarrying.

2. **Site Slopes:** The side slopes of the extension area will be graded to a minimum of 4:1. The final site preparation will be completed within 18 months of the start of quarrying. The final site preparation will be completed within 18 months of the start of quarrying.

3. **Final Site Preparation:** The final site preparation will be completed within 18 months of the start of quarrying. The final site preparation will be completed within 18 months of the start of quarrying.



LEGEND

CONTOUR LINE
 EXISTING BOUNDARY
 EXISTING UTILITY
 EXISTING LOT BOUNDARY
 EXISTING ROAD
 EXISTING STRUCTURE
 EXISTING VEGETATION
 EXISTING WATER FEATURE
 EXISTING CONTOUR LINE
 EXISTING ELEVATION
 EXISTING AREA TO BE REHABILITATED
 EXISTING AREA TO BE EXCAVATED

SITE DATA

AREA TO BE REHABILITATED: 177.0 ACRES
 AREA TO BE EXCAVATED: 177.0 ACRES
 TOTAL LAND PANEL: 177.0 ACRES

CONTRACTOR'S OBLIGATIONS

1. The contractor shall be responsible for the installation and maintenance of all erosion control measures.

2. The contractor shall be responsible for the installation and maintenance of all sediment control measures.

3. The contractor shall be responsible for the installation and maintenance of all water control measures.

Final Rehabilitation

1. **General:** The final site preparation will be completed within 18 months of the start of quarrying. The final site preparation will be completed within 18 months of the start of quarrying.

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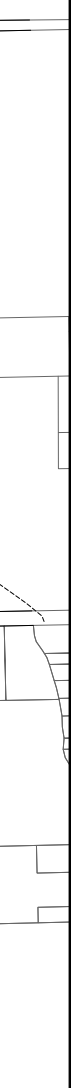
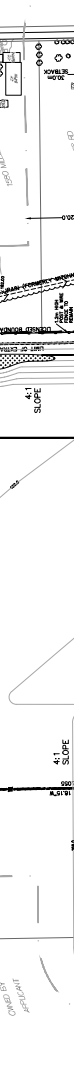
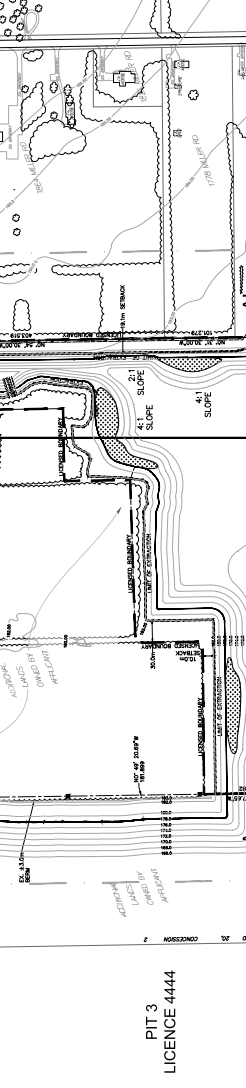
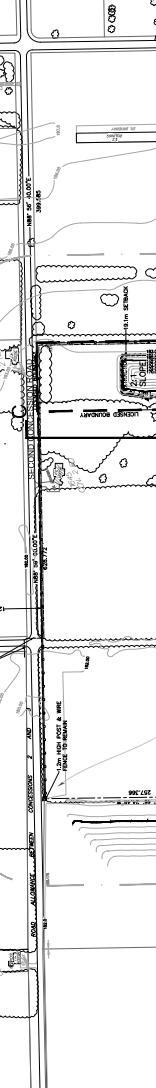
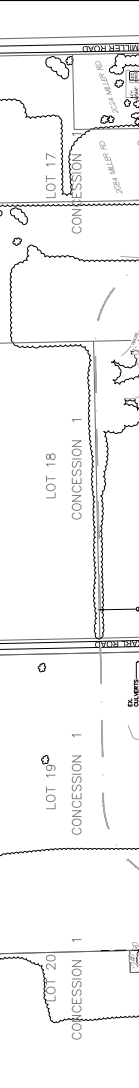
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PIT 3 EXTENSION SURROUNDING LAND USES

SHEET 1 OF 9



APPLICANT:
**PORT COLBORNE
QUARRIES INC.**
222 MARTINDALE ROAD, P.O. BOX 1116
ST. CATERINES, ON, L2R 7A3

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Part of Lots 17, 18 & 19 Concession 2
and E27 025-10702 Part of Road Allowance
between Lot 18 & 19 Concession 2,
in former Township of Hammondsville,
the City of Port Colborne,
Region of Niagara



LEGEND

- PROPERTY BOUNDARY
- PROPERTY BOUNDARY OF EXISTING PITS
- PROPERTY BOUNDARY OF ADDITIONAL LANDS OWNED BY APPLICANT



THESE SITE PLANS HAVE BEEN PREPARED UNDER THE AGGREGATE
REGULATIONS ACT FOR A CLASS A LICENSE. CATEGORY 3
PITS HAVE BEEN IDENTIFIED BY THE PROPOSER BY THE
APPLICANT OR INDICATED OTHERWISE AS SPECIFIED IN THE
APPENDIX TO THE LICENSE APPLICATION AS SPECIFIED IN THE
APPENDIX (A).

DATE: 2015/10/20



**PORT COLBORNE
QUARRIES INC.**
PIT 3 EXTENSION

SCALE: 1:5000

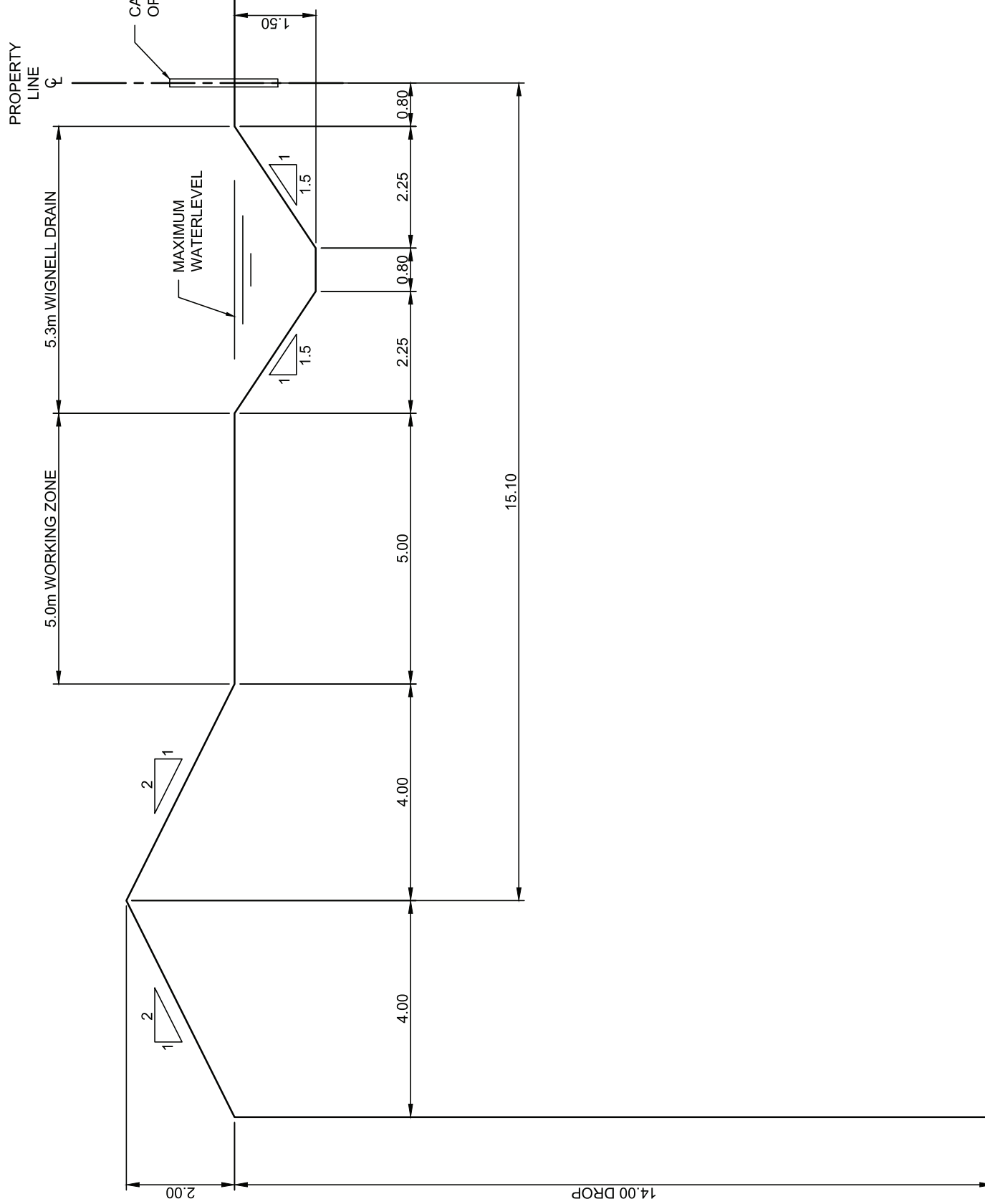
PROJECT NO: 110774

DRAWN BY: S.T. CHECKED BY: S.B.

PROJECT MGR: S.S. APPROVED BY: S.S.

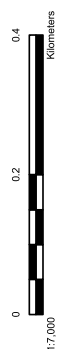
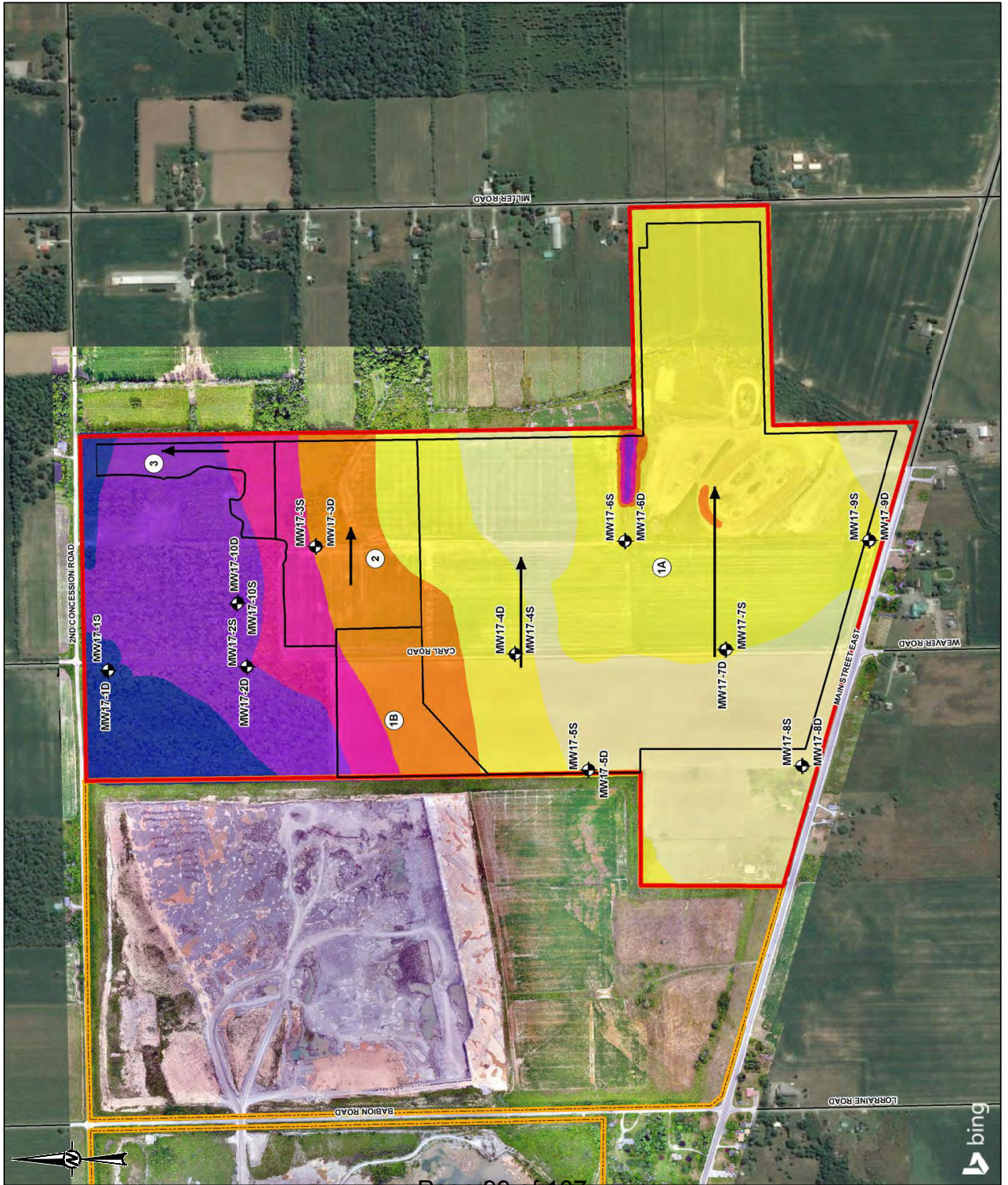
SHEET TITLE: SURROUNDING LAND USES

SHEET NUMBER: 1 of 9



LEGEND

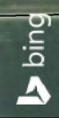
- ① Excavation Phase
- ⊕ Monitoring Well
- ▭ Property Boundary
- ▭ Proposed Quarry Extension
- ▭ Approximate Excavation Phasing Boundary
- ▭ Excavation Direction Arrow
- Overburden Thickness (m)**
 - 0.5 - 2
 - 2 - 4
 - 4 - 6
 - 6 - 8
 - 8 - 10
 - 10 - 12

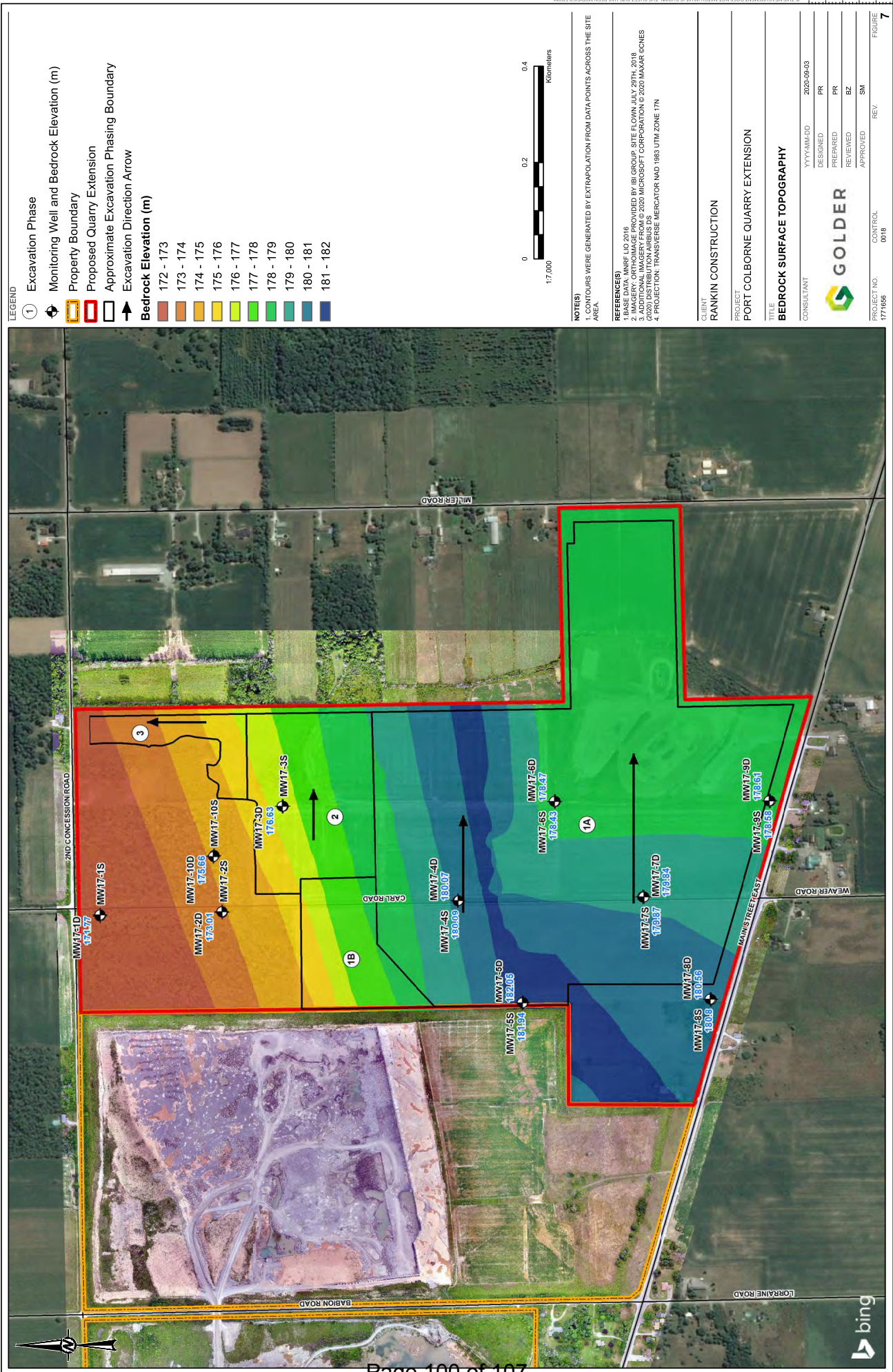


NOTES
 1. CONTOURS WERE GENERATED BY EXTRAPOLATION FROM DATA POINTS ACROSS THE SITE AREA.

REFERENCES
 1. IMAGERY: ORTHOIMAGE PROVIDED BY IBT GROUP, SITE FLOWN JULY 29TH, 2018
 2. (2020) DISTRIBUTION ARBUS DS - 2020 MICROSOFT CORPORATION © 2020 MAPBOX © CNES
 3. PROJECTION: TRANSVERSE MERCATOR (WAD 1983 UTM ZONE 17N)

CLIENT	RANKIN CONSTRUCTION
PROJECT	PORT COLBORNE QUARRY EXTENSION
TITLE	OVERBURDEN THICKNESS
CONSULTANT	YYYY-MM-DD 2020-09-03
DESIGNED	PR
PREPARED	PR
REVIEWED	BZ
APPROVED	SM
PROJECT NO.	CONTROL 0018
REV.	

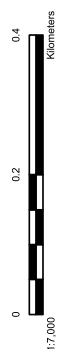




LEGEND

- ① Excavation Phase
- Monitoring Well and Bedrock Elevation (m)
- Property Boundary
- Proposed Quarry Extension
- Approximate Excavation Phasing Boundary
- Excavation Direction Arrow
- Bedrock Elevation (m)**

- 172 - 173
- 173 - 174
- 174 - 175
- 175 - 176
- 176 - 177
- 177 - 178
- 178 - 179
- 179 - 180
- 180 - 181
- 181 - 182



NOTES
 1. CONTOURS WERE GENERATED BY EXTRAPOLATION FROM DATA POINTS ACROSS THE SITE AREA.

REFERENCES
 1. BASE DATA, MMRP L10 2016
 2. ADDITIONAL DATA PROVIDED BY (B) GROUP SITE FLOWN JULY 28TH, 2018
 3. ADDITIONAL IMAGERY FROM © 2020 MICROSOFT CORPORATION © 2020 MAXAR © CNES (2020) DISTRIBUTION AIRBUS DS
 4. PROJECTION: TRANSVERSE MERCATOR NAD 1983 UTM ZONE 17N

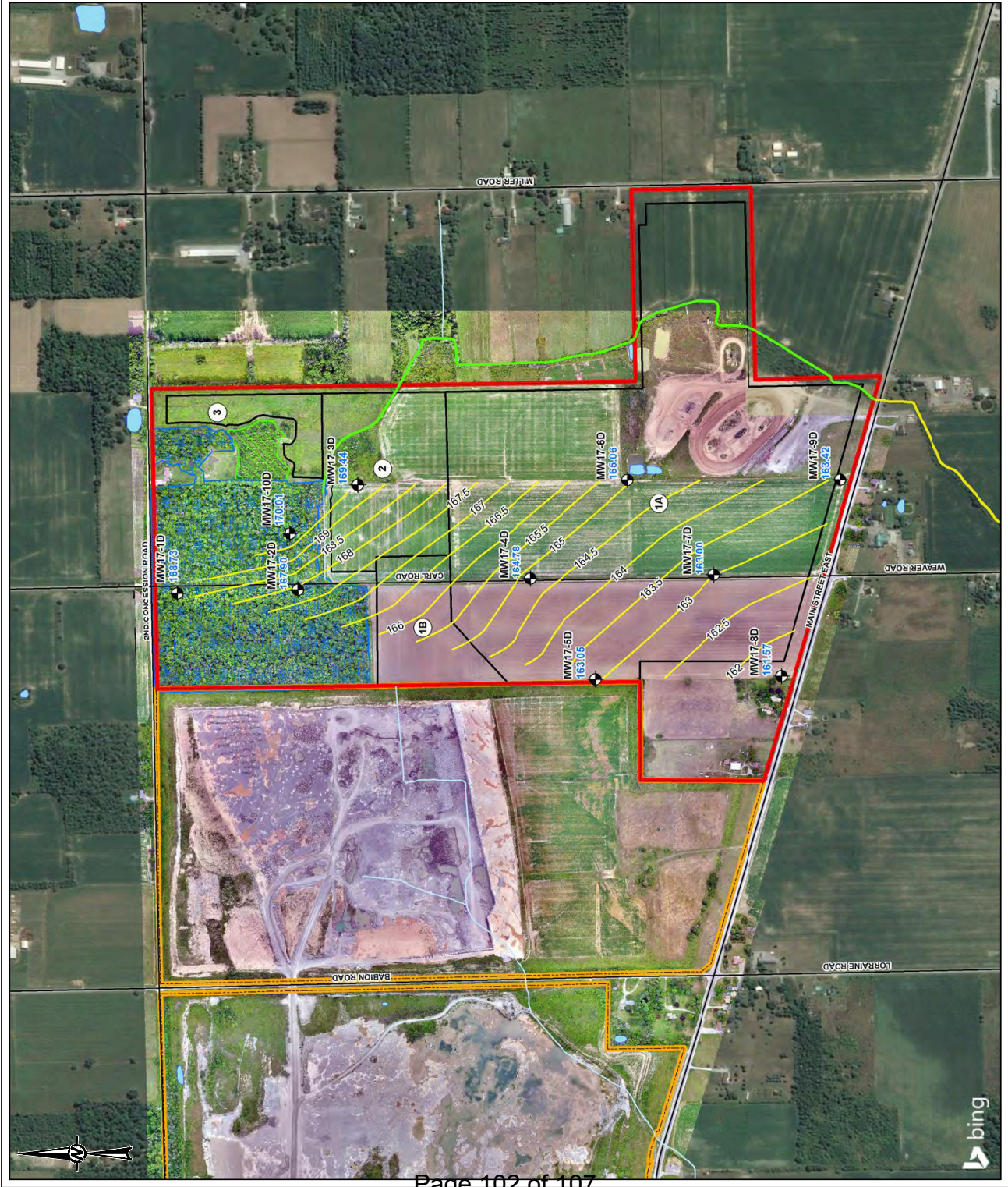
CLIENT	RANKIN CONSTRUCTION
PROJECT	PORT COLBORNE QUARRY EXTENSION
TITLE	BEDROCK SURFACE TOPOGRAPHY
CONSULTANT	YYYY-MM-DD 2020-09-03
DESIGNED	PR
PREPARED	PR
REVIEWED	BZ
APPROVED	SM
PROJECT NO.	CONTROL 0018
REV.	





LEGEND

- ① Excavation Phase
- ⬇ Monitoring Well
- Contours
- Roads
- Wignell Drain (formerly Mitchner Drain)
- Mitchner Drain
- Watercourse
- Waterbody
- Wetland
- Woodland
- Property Boundary
- Proposed Quarry Extension
- Approximate Excavation Phasing Boundary



NOTES

- REFERENCES**
1. BASE DATA, MRP, LD, 2016
 2. ADDITIONAL DATA PROVIDED BY (B) GROUP, SITE FLOWN, JULY 28TH, 2018
 3. ADDITIONAL IMAGERY FROM © 2020 MICROSOFT CORPORATION © 2020 MAAR © CNES (2020) DISTRIBUTION AIRBUS DS
 4. PROJECTION: TRANSVERSE MERCATOR WAD 1983 UTM ZONE 17N

CLIENT
RANKIN CONSTRUCTION

PROJECT
PORT COLBORNE QUARRY EXTENSION

TITLE
BASE OF FALKIRK UNIT

CONSULTANT
GOLDER

DESIGNED	PR
PREPARED	PR
REVIEWED	BZ
APPROVED	SM

PROJECT NO. 1771656
CONTROL 0018
REV.

Thank you for the opportunity to comment on the rezoning applications for Port Colborne Quarries (PCQ), Pit 3 extension.

I have lived next door to PCQ Pit 2 for 49 years. I was active in the application process for PCQ License Extension 4444 in 1980 – 1982.

When Port Colborne Planning (Glen Barker) reviewed the rezoning application in 1980, they sent to the MNR a list of suggested conditions to be included in the License. One of the conditions was that rehabilitation of Pit 2 should be completed within 6 months of the depletion of Pit 2. A copy of the letter is **attached (1)**. Unfortunately, the conditions were initially included in the license and then removed about 1994. The Site Plan Agreement was initially referenced in the license site plans, but was subsequently removed as MNR determined it was only enforceable by the City. However, there has been little to no enforcement.

When the Region of Niagara (Corwin Cambray) reviewed the Official Plan Amendment (ROPA) application, the review and recommendation was based on information supplied by PCQ. They estimated the life of Pit 2 to be 3 – 5 years for the extension, in addition to the license for Pit 3. The Region based their agreement to the ROPA on the supplied information, and justified the agreement to the license extension based on the information that the disturbance to the neighbouring sensitive receptors would be very short-term. A copy of the Planning Department Report is **attached (2)**.

What does the previous brief history matter to this current rezoning application? It indicates that the conditions the City and Region prefer need to be included in the site plans before the rezoning is granted. The sequence of approvals requires appropriate zoning to be in place before the license will be granted. Once the zoning allows aggregate operations, the ministry is free to set their own conditions. If the City and Region conditions are already in the site plan, and the area to be licensed is reflected in the zone boundaries, the Ministry can only license that property.

Attached (3) is an aerial view of surrounding land uses and the proposed quarry extension. It is referenced as Sheet 1 of 9. Pit 2 is identified, and that was expected to have been rehabilitated by or before 1990. As is clear from the recent aerial, Pit 2 is far from rehabilitated after 30 years because there is no avenue for enforcement.

There is no argument that quarries are a necessary industry, and that they can only exist where there is a mineral resource. The licenses are granted based on a set of conditions to which the operators agree. However, there needs to be a mechanism to enforce the agreements. Since the MNRF does not enforce municipal agreements, the conditions under

which the rezoning is granted should be such that if they are not complied with, they can be revoked.

PCQ will argue that the current owners are good corporate citizens and have demonstrated same. However, PCQ has had 3 different owners in the 49 years I have been their next door neighbour, and there is no guarantee the current owners will continue to own and operate this facility. The conditions must be enforceable for anyone that may own the property and operate the quarry.

The current progress plan on Figure 5 of the Planning Justification Report **attached (4)**, shows the Phase 1A as approximately 80% of the site proposed to be licensed. This translates to approximately 40 years of quarrying. How is that interpreted to be phasing? The timing of future activities, such as moving the crushers and processing equipment, are referenced to the phasing. The phasing should be identified for 5 year time frames, so such vagueness is removed, and that timing of coincidental work is predictable to a 5 year time frame.

The next matter is the proposed operational progression of the quarry operation. At a recent Port Colborne Council meeting, a PCQ representative suggested that the Pit 3 extension could extend for up to 60 years. The current quarrying area includes a very small tab (or leg, or finger) on the north of the property, identified as Phase 3. This is shown on the **attached (5)** excerpt from Site Plan Drawing 9 of 9. In order to mine this area, PCQ has already asked for a realignment of the Wignell (Michener M2) municipal drain to access this tab. The current alignment of the municipal drain is through the Provincially Significant Wetland along Carl Road ROW, as shown on the **attached (6)**. This portion of the drain carries surface runoff from almost 150 hectares of agricultural land upstream, north of Second Concession Road. The runoff replenishes the wetland during rainfall events. The wetland buffers the intensity of the runoff, and filters the water before it proceeds further downstream, and provides a spawning for northern pike in the spring of the year. The application for license not only seeks permission to mine on the second (south side) of the wetland, but also on the east side, which would result in the wetland becoming a peninsula. It should also be noted that the proposal includes reducing the NPCA Policy setback of the quarry from the wetland from 30 metres to 10 metres, and to use the setback area for berming contrary to NPCA Policy. If an expert hydrogeologist wanted to kill a wetland, the approach would be to remove the source of water, creating just land, and that is what this realignment would accomplish. The rezoning Planning Act amendments and the Drainage Act are interlinked regulations. You are considering a rezoning in the case of the City, or a Policy Plan amendment in the case of the Region. The request for rezoning must include a review of all regulations and all acts, and that includes the Drainage Act.

In the case of the Port Colborne Drain on Babion Road, the drain is being realigned off the road allowance because of safety concerns. The alignment of the north reach of the Wignell Drain proposes the alignment in the south roadside ditch along Second Concession Road. The culvert under Second Concession Road is 1800 mm diameter with approximately 600 mm of silt, and 400 mm of cover, requiring the invert of the ditch to be at least 1600 mm below the road surface, and deepening as it flows downstream to the east. This contradicts the reason for realigning the drain on Babion Road.

In the north tab identified on **attached (7)** as Phase 3, the aggregate is covered by 10 – 12 metres of overburden, and the approximately 60 metre tab width is reduced by 15 metre setback on the west side, 19.1 metre width reduction for the municipal drain and maintenance width and berm on the east side **attached (8)**, and 10 – 12 m on each side (Ministry Of Labour minimum side slope) for sloping of the overburden, making a width of only about 20 – 25 m of the aggregate accessible for quarrying. The thickness of aggregate based on the geological report and maps for the license to the bottom of the Falkirk Unit **attached (9) and (10)** have determined there is only about 3 metres of aggregate available in the extreme south end of the north tab. The length of the tab is about 300 metres. This calculates to 40,000 to 60,000 tonnes of aggregate. It will require moving approximately 125,000 cubic meters of overburden. I have asked the Port Colborne JART PLC to have this quantity confirmed. Phase 3 is the last phase, and represents less than 1 month of the annual license tonnage in an application that could last up to 60 years. There seems to be no reason to jeopardize the wetland and adjacent woodlot shown in **attached (11)**.

The application for rezoning of this tab should be rejected, making the Wignell north reach drain realignment unnecessary, preventing the wetland from being a perched peninsula, and saving the wetland biodiversity and the valuable other benefits it provides. The proponent may suggest the drain needs to be relocated to provide access to the agricultural lands when the access from the south is cut off by the new quarry extraction. However, access can easily be provided with a culvert at the drain's existing alignment.

Thank you for allowing me to speak to this important issue which will become your legacy for 60 years or beyond.

Jack S Hellinga,
770 Highway 3, Port Colborne



**Objection to the proposed removal of Babion Road between Hwy 3 and Second Concession as described in the IBI Group Final Comprehensive Rehabilitation Strategy
PIT 1, PIT 2, Pit 3 and Pit 3 EXTENSION Page 8
Section 3.2 Pit 2 and Page 13 Section 8**

OBJECTIONS:

1. The primary intent of this proposal is to delay the remediation of Pit 2, allowing PCQ to use the same strategy as they have in Pit 1 to absolve themselves of the responsibility to progressively rehabilitate Pit 2 in a timely manner.
2. The intent of remediation is that it be done in a timely manner and to be progressive with the extraction of material. By proposing that Babion Road be removed delays the remediation of Pit 2 until the new pit 3 extension 2050, at which time the collective memory in the community will be diminished.
3. Based on PCQ's track record of not meeting remediation requirements as can be seen by the lack of rehabilitation in Pit 2.
4. Pit 2 should have already been remediated based on OSSGA best practice and MNFR guidelines, in fact Pit 2 is currently not in a state of remediation and is therefore in violation of their current license.
5. In 1981 there was a Site Plan Agreement with the owners of PCQ and the City of Port Colborne, that both Pits 1 and 2 were to be flooded.

From: [Wes Scace](#)
To: [Deputy Clerk](#)
Subject: Port Colborne Quarries Pit 3 Expansion
Date: March 7, 2023 11:59:03 AM

RE: Official Plan Amendment D09-02-21 and Zoning By-law Amendment D14-09-21:

As a neighbor directly adjacent to Port Colborne Quarries Pit 3, I have a few concerns and questions.

- How much aggregate is currently being shipped to the U.S. via ship from Wharf 12 of the Welland Canal? What % of the total allowable tons was shipped in 2021? In 2022? In 2019? What is Port Colborne Quarries target market? Do they sell aggregate to individuals or local companies? What is the minimum quantity per load that they will sell? (see 6.8 #2 c. of the planning justification report from IBI, City of Port Colborne Soning By-Law No. 6675/30/18)
- The Financial Impact Assessment report from IBI mentions the additional tax revenues that the expansion of Pit 3 will bring. How does this compare if the land were to be used as commercial or residential property and subdivided into smaller parcels? What would the future tax revenue be in comparison over the next 30 years?
- Blasting: There are currently only 2 locations where blasting is monitored, the report recommends 5. Is there a neutral party that is auditing blast reports? I have had issues with the quarry regarding blasting but have not previously come forward.

Thank you for letting me submit this written comment.

Lynne Scace

•